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THE PRESENT DAY PROBLEM OF CRIME

ALBERT H. CURRIER

PRESENT DAY PROBLEMS SERIES

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THE PRESENT DAY PROBLEM OF CRIME

By

ALBERT H. CURRIER



RICHARD G. BADGER

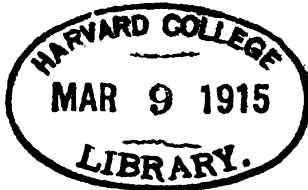
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DEDICATION

To Mr. Augustus Healy, President of the Institute of Arts and Science in Brooklyn, New York, kinsman and life-long intimate friend, by whose sympathetic and intelligent interest in the social problems of today and personal encouragement I have been led to give these studies to the public, this volume is gratefully dedicated by the Author.

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PREFACE

THE Problem of Crime is one of growing seriousness in the United States. The voices of the Press, the past year, as to the increase of crime have become a large resounding chorus. They proclaim with impressive unanimity and insistent iteration that crime in this country greatly surpasses anything of the kind known elsewhere in the civilized world.

The mischief and peril of it have grown to a terrific flood, and this flood still advancing is sweeping away with its destroying current the usual safeguards of society, upon which reliance has been hitherto placed for the protection of life and property and the maintenance of social order. The laws now afford but little security, as it is found that they may be violated with impunity; the magistrates and the police are no longer a terror to evil doers, and the spirit of lawlessness has spread like a pestilence, until a great multitude has become infected by it. The old-time respect for law seems to be mostly gone. It has become a boggy, at which the ill-disposed laugh in derision, unafraid, and boldly defying it as impotent to do them harm. The reasons for this are, because, as Judge Holt says, under our present system of administering criminal law "the punishment of crime is a sort of lottery," uncertain, disappointing, very few of the guilty get any; most of them draw a blank; or, as President Taft says, with no ambiguity, because of "the failure of the law and its administrators to bring criminals to justice."

These reasons and their explanation the writer treats of at more length in the subsequent pages of this volume; also the causes that have resulted in the uncertainty and

failure of the present criminal law to fulfill its ostensible purpose of protecting life and property and maintaining the stability of social order. As it now stands it is an ineffective, almost useless law entirely inadequate to fulfill its assigned function of deterring evil doers and the ill disposed from crime, and defending society from their depredations. How has this happened? In a similar way to that which ruined one of Europe's most notable architectural monuments: A few years ago, the lofty massive Campinele in the square of St. Mark's, Venice, after standing there about a thousand years, solid and apparently impregnable to the attacks of time, suddenly collapsed and sank to the ground in utter ruin, swiftly converted into a shapeless heap of brick, broken stones and mortar, because blundering architects in the endeavor to strengthen the foundations, which they thought showed signs of weakening, had removed the supports that gave it strength and stability. So the old English Criminal law, that formed the core of our modern Criminal Code, and secured our social welfare, has been deprived by the meddling of incompetent hands of its former strength and vigor as an instrument for the suppression of crime. Formed originally for a rude, uncivilized age, it was severe, no doubt, unfair in some things to the culprit, and otherwise incomplete, and needed to have its severity mitigated, to be made more humane in some respects toward those accused of crime, and to have other defects, that time had revealed, repaired. In their attempts to do this, however, blundering incompetent law-makers have about spoiled it, so that perhaps it will have to be entirely reconstructed, like the Campinele of St. Marks, before it will answer its purpose, though the faults of the present law and the hindrances to its effective administration are

believed by good judges to be entirely remediable. We can safely predict that the work when undertaken, will prove no easy matter, and believe that on account of its difficulties, a commission of the wisest and best men obtainable should be appointed to revise and correct our criminal code, or to construct a new one that shall be better adapted to its purpose.

The writer does not claim the authority of a specialist in the subject treated of. In the hope of elucidating it with new light from his own angle of vision, he writes simply as a careful student of social problems, especially the problems of poverty and crime, after some years of such study as was required to qualify him to be an instructor of young men preparing for the Christian Ministry, which, in our day, is constantly confronted by these problems, and often called upon to deal practically, and, if possible, helpfully for people living in the stress and struggle with them.

The author's studies and reflections on these subjects lead him to place special emphasis upon the remedy for our present disturbed social conditions to be found in the philanthropic labors and influence of such men as Shaftesbury, the subject of the concluding essay. Anything less than this will leave us still in a condition far from satisfactory. A flawless criminal law will not be enough; nor fearless, faithful judges, nor an energetic police, ready to risk life itself in the performance of their duty as the guardians of the peace and safety of society, but good men, of leisure and high social standing, ready to devote themselves in greater numbers to the welfare of the poor. Mr. Gladstone, the next day after Shaftesbury's impressive funeral, said: "The safety of our country is not in law or legislators but in Christian gentlemen like Shaftes-

bury." What is true of England is even more true of the United States.

Of the contents of this volume, the chapters upon "*A Century of Progress in Prison Reform*" and "*Crime in the United States; Reforms Demanded*" have been published before substantially as now in the *Bibliotheca Sacra*, and by permission of its Editor are republished here; those upon *The Problem of Crime* and *The Seventh Earl of Shaftesbury* have never appeared in print before.

A. H. C.

Oberlin, O., 1911.

THE PROBLEM OF CRIME

THE Problem of Crime is a difficult and perplexing one. It is, indeed, appalling, because of its magnitude, its dreadful phases and incidents, its constant menace to social welfare, and the baffling, discouraging difficulties which mankind has experienced in their endeavors to deal with it.

As a problem it appeals to our deepest feelings, those of sympathy and compassion as well as of fear and apprehension. The criminal is our brother. He is related to us by the possession of feelings and impulses, infirmities and sins,—human qualities, both good and bad,—similar to our own.

The story is familiar concerning one of the best of men, that seeing a criminal led to punishment, he said: "There goes John Newton but for the grace of God." The gulf is not very wide that separates any one of us from him. Do we sometimes shudder at the thought of him, as if he were a wild beast? We forget that there is a similar beast in every one of us, only he has been somewhat tamed, or held more firmly in the leash of self-control. Ex-President Roosevelt, addressing a Young Men's Christian Association, said: "Each one of us has in him certain passions and instincts which, if they gain the upper hand in his soul, would mean that the wild beast had come uppermost in him." "The materials for hell-fire," it has been said, "are in every one of us." In view of this fact we would do well to remember a saying of Augustine, to the effect, that "when one reads of the sins of men, he

should put the fact of their sin to this use: learn from it, not to vaunt himself in his own goodness and to despise others as sinners, but to see in the case of these men the storms that are to be avoided and the ship-wrecks that are to be wept over."

What is involved in this problem of crime? Several things that greatly concern us.

(a) An obligation to wrestle with it until something like a proper Christian solution of it is found. It seems strange that such a solution was not found long ago. Crime has cursed the earth through all the history of the race, since the hand of Cain was lifted against his brother Abel. The shame and the dread of it have always burdened human society. How is it that effective remedies and measures for its cure are seemingly as remote as ever, that the ugly fact still faces us as an unsolved problem? Are we to regard it as an insoluble problem, and conclude that the only thing possible for men to do is to mitigate its evil somewhat, but never to remedy it? Is this the reason why, though many men have dreamed and talked of "the abolition of poverty," few have yet ventured to speak with any assurance of the abolition of crime?

Such a despairing conclusion contradicts the voices of Old Testament prophecy and of New Testament Christian teaching. It is contrary to the hopes encouraged by the one, and the doctrine of God's coming Kingdom on earth found in the other. There is great encouragement in the allusions of the Scriptures to the prisoner. We learn from them that God's tender mercy includes him in his purposes of grace. "Let the sighing of the prisoner come before thee." "The Lord looseth the prisoners," and other declarations; that Christ owns him as a brother (Matt. 25:40), and that He will reckon in the day

of judgment a visit for his relief the highest proof of piety and devotion to his service. There is, therefore, a solution of the Problem of Crime, a Christian solution. The world has waked up to this belief in these modern times and the people of God are addressing themselves with earnestness to discover what this solution is.

(b) Involved in the problem and necessary to its solution is a wise discrimination of different classes of criminals. They are not to be herded all together and treated all alike; some are hardened and desperate men, criminals by choice, who delight in wickedness; but these are only a fraction of the whole and the smallest fraction too. Others are criminals by constraint of misfortune, environment, circumstances. They have been overtaken and surprised by sudden temptation, to which they have thoughtlessly yielded, seduced by the tempter, to wake up with horror and remorse to find themselves betrayed, disgraced and banned by society for infraction of its laws. These are reclaimable. They call for and should receive an entirely different treatment from that given to hardened offenders. Most of them are in "the gristle of youth" or early young manhood. It were stupid and cruel folly to deal with them with unrelenting harshness.

(c) Included in this problem is a careful study of the causes of crime, and also of those remedies or antidotes which the experience of the past has approved as salutary or effectual.

(d) The *preventives* of crime have an important place as a factor in this problem. In no other realm of human experience is the old proverb, "An ounce of prevention is worth more than a pound of cure," found more true and worthy of attention.

(e) The value of moral and religious instruction in the

training of the young, and the safe-guard this affords in the life of man, also demands consideration in this problem.

(f) The wisest and best means of suppressing crime. The fundamental principles and axioms of penology need to be studied and made familiar if we would successfully cope with this problem. Penology, the science that treats of the punishment of crime and of the management of prisons and reformatories, has made great strides in the last century. No other science which the century has developed and improved can show greater progress. More has been discovered and established since John Howard set out to investigate the conditions of the prisons of Great Britain and Ireland, and published what he found to the world, than had been perceived in all the previous history of mankind.

CLASSES OF CRIMINALS

The majority are young men from sixteen to thirty (National Prison Association, '95, page 311). Criminals are variously classified in the literature of penology and the parlance of the Courts. According to the frequency, turpitude and degree of their offenses they may be denominated, delinquents, misdemeanants, first offenders, or petty offenders, and felons, atrocious offenders, incorrigible criminals, defectives, recidivists,—those hardened in crime, and repeatedly suffering the penalty of their misdeeds without any sign of amendment. A better classification is one that indicates the psychological and social conditions under which crimes are committed. So classified they are, according to these conditions:

(1) *Occasional criminals, i., e.,* those made so by some

sudden temptation or wayward impulse that arises from their peculiar circumstances at the time. They do not bear in their bodies nor show in the ordinary workings of their mental or moral constitution any marks of uncommon depravity. They are weak, but they are not wicked. Under different circumstances they would have remained uncorrupted and blameless, and been good citizens.

(2) *The instinctive criminals*, those whom a hereditary bias inclines to crime; the morally defective, who take to it as naturally as a duck does to water, or as a fox to a hen coop. The number of these is small and their hereditary bias is not so irresistible as to be fatalistic. "It may be modified, turned aside, overcome by other influences," Chaplain Albert, of the Minnesota State prison at Stillwater, thinks. "Old Mother Jukes," he says, "and her criminal progeny have ever been the clinching argument for instinctive crime. But Mother Jukes and her children have committed vastly more crimes in the hands of the hereditarians than they ever committed in actual life. This family might have been improved if some one had taken them kindly and firmly in hand. The slums of New York have long been the breeding place of criminals. Yet experience has proved that children taken out of these slums and placed in a morally healthful environment almost invariably grow up to be honest men and virtuous women." Still it must be confessed that they are handicapped in the race of life, and they must early be taken in hand and wisely and patiently dealt with, or "they grow up lazy and knavish and do not distinguish between crime and any honest industry."

(3) *The insane criminals*, like kleptomaniacs, and those rare monsters of depravity that delight in cruelty and murder as if they had the heart of a devil.

In the Chicago Record Herald of Friday Feb. 27, 1903, was found the following notice of a monster of this kind:

"Hamilton, Ohio, Feb. 26.—Alfred Knapp today made a full confession of five murders. Among them is that of Ida Gebhard, the West Indianapolis girl who was found murdered in a stable July 3, 1895. Knapp's confession, which was sworn to before Mayor Bosch, is as follows:

'On Jan. 21, 1894, I killed Emma Littleman in a lumber yard in Gest street, Cincinnati.

'On Aug. 1, 1894, I killed Mary Eckert in Walnut street, opposite the Y. M. C. A., in Cincinnati.

'On Aug. 7, 1894, I killed my wife, Jennie Connors Knapp, under the Canal bridge in Liberty street, Cincinnati, and threw her into the canal.

'In Indianapolis, in July, 1895, I killed Ida Gebhard.

'On Dec. 22, 1902, I killed my wife, Annie Knapp, at 339 South Fourth street, in Hamilton, and threw her into the river at Lindenwald.

'This is the truth. Alfred Knapp.'

"Knapp was asked why he committed his various crimes and how he felt when he was choking a woman to death. He said: 'I can't tell. I was seized with an irresistible desire to choke them and I can't help it. I could not let go when once I began, even if I wanted to. I never feel any remorse, only a feeling of satisfaction when I know that they are dead. I used my hands in every case except that of Mary Eckert. I choked that woman with a towel, but I could have done it with my hands. I got acquainted with Mary in Dayton, Ohio, through an advertisement, and when she went to Cincinnati I visited her at her room and choked her to death

one night." A horrible tale. This man is a human demon, but possibly not responsible. In that case he should not be allowed to run at large any more than a beast of prey.

(4) *Criminals by passion.* Sensitive and irritable, and easily angered, they are hurried by their uncontrollable tempers into deeds, which they soon deplore with a passion of grief as intense as the fury under which they committed them. Prison wardens speak of these criminals as models, often, of good behavior. Ordinarily gentle, lamb-like, and amicable, it is difficult to believe that they have committed the crimes of which they have been found guilty. These crimes are generally crimes against persons, done under provocation of offense, or insult, which makes them beside themselves.

(5) *Criminals from mischievous beliefs, ideas or suggestions* derived from bad books or from the incendiary speeches of mischief-making fanatics. Czolgoz, the slayer of McKinley, is an example. His weak mind had been poisoned, as shown at his trial, by the anarchistic utterances of Emma Goldman, so that he committed the foulest of murders in killing our amiable President, a murder unprovoked of an inoffensive man, under the delusion that he was committing a laudable deed, which would enroll his name among the heroes and deliverers of the race. A multitude of boys and young men have had their minds corrupted by reading the stories of Jesse James' Criminal career, and Harry Tracy's daring robberies and successful escapes from arrest by the law officers, and have become burglars, high-way robbers, and defiers of arrest in consequence. Such beliefs as, that "a scab is a traitor to the cause of labor," when he takes a job to earn bread and keep a roof over his wife and child-

ren; that "property is robbery;" that "every millionaire is a criminal," that "all value is the product of manual labor," these are fallacious and mischievous notions and provoke crime.

(6) *Habitual Criminals.* These are simply ripe fruits or later developments of tendencies that produce classes that have been mentioned: "occasional criminals," "criminals by passion," "criminals by mischievous beliefs and suggestions," or by "hereditary bias." By yielding to these tendencies a habit is gradually formed. Impunity in wrong-doing by escaping detection in the first offense emboldens to a second and a third. Each repetition of the unlawful act makes it easier done. The scruples of conscience, self-respect, regard for the esteem of the good, the fear and dread of infamy and punishment,—all the considerations and feelings that at first restrain from sin and crime are removed one after another, until the misdeed, which at the beginning of a course of crime was performed with trepidation of heart and remorse, and thought of afterwards with horror and shame, is coolly undertaken without any reluctance, misgiving, or regret. Thus the chain of lawless habit is forged, link after link, until there results a depraved and worthless character, and a reckless, conscienceless confirmed criminal is made. The "professional" criminals are of this class. "The professional" is one who deliberately chooses, at length, to live in defiance of the laws of society. He "engages in criminal undertakings as a matter of business, reckoning his chances of profit and of punishment with as great deliberation as the merchant or manufacturer gives to his enterprises. He makes careful estimates of the chances of arrest, conviction and imprisonment."

If he commits a burglary or high-way robbery, the

chances are more than three to one that he will escape detection and conviction. He is ready to take his chances. If he fails, is apprehended and convicted and brought to punishment, he thinks that he has not been any more unlucky than most merchants. He consoles himself by saying: "There are failures in every business." This class of men is as hard to deal with and reclaim as the hereditary criminals. But there is usually this difference: The hereditary criminal is the degenerate offspring of miserable parents; the habitual criminal is the corrupted child, oftentimes, of honest and worthy parents. The hereditary criminal has as a part of his inheritance a weak mind and feeble body, and is lacking in conscience, intelligence, industry, energy and enterprise. The habitual criminal often displays superior cunning, craft, boldness, energy, and tireless activity to accomplish his nefarious ends. The difference is readily perceived and recognized if one compares the degenerate inmates of the common room of a common jail and those of a State Prison. The faces and the bearing of the latter are usually far superior to those of the former. These inmates of the prison are more energetic, forcible and capable than those of the jail, though more depraved. If the convicts of the prison had been willing to put as much ingenuity, and industry into honest methods of earning a living as they did into criminal methods, they would have made respectable citizens.

THE CAUSES OF CRIME

Most of the causes of crime may be embraced under the three words, *heredity*, *environment* and *wickedness*. These terms, however, are too general. A more specific

designation is needed if we would have a clear idea of the subject.

Under heredity are included such causes of crime as the following: (a) Inherited tendencies to intemperance, licentiousness and vicious indulgences of various kinds, by which men are demoralized and degraded. These tendencies incline their possessors to enter readily upon evil courses when temptation to them is presented.

(b) Defective moral sense, by reason of which they seem to have no natural perception of right and wrong and no susceptibility to moral motives. They are sometimes called "moral imbeciles," and are as defective as mental imbeciles.

(c) Bad temper, by reason of which they are easily irritated, and give way on slight provocation to paroxysms of anger and blinding fury.

We must not make the mistake, in considering heredity as shown in these and other forms of evil bias or moral infirmity as a general cause of crime, of thinking it dooms one marked by it to a life of crime and infamy. As skillful surgery, like that of the famous Doctor Lorenz of Vienna, is able to repair congenital physical defects that seemed to doom those possessing them to a crippled and useless life; so wise, patient, benevolent ministries may largely rectify inherited moral defects, and so strengthen those inheriting them that they shall be capable of becoming useful, worthy citizens.

Under the word environment, we include:

(a) *Bad Homes*. There are many, many homes, that lack every quality that we commonly associate with this sacred word. The children that are born and live in them know nothing of real fatherly solicitude for their welfare, or of a mother's tender love and patience. They

are beaten, neglected, and cruelly abused, and that continually by those related to them as parents, but destitute of natural affection. These parents teach them to steal, lie and curse, but never the wholesome practice of honesty, industry, truthfulness, and gentle courteous speech. Born into such nests and reared under these malign influences, it would be almost a miracle if they did not become birds of prey, hawks and vultures, instead of cheerful, pleasant song birds, that give great joy to the world.

(b) *Bad Neighborhoods.* Life in the slums,—in the crowded tenement houses and their adjacent streets,—is attended with constant peril to the young. It is hard for respectable, worthy parents to preserve their children from moral contamination in such places, no matter how carefully they guard their own homes. Corruption is in the air; they are likely to breathe it as the atmosphere of a plague in traversing the halls and the streets, and as they come in social contact with other children, or in hearing the talk of men and women of dissolute characters and lives.

(c) *Bad Immoral Associates.* The companionship of these is one of the chief causes of crime. According to the testimony of penologists and experienced laborers in this field, it is the principal cause. "Bad company," says one of these, of high repute and much observation, "is the master cause of crime, especially of that which is most serious in a social point of view. The great majority of professional criminals have originally fallen, and engaged in a criminal career, not from the promptings of hunger, nor from any special dishonesty, nor from moral obliquity peculiar to themselves, but from the influence of early bad example, or direct instruction in crime in their early years."

"Of 1,000 prisoners examined by me," says Mr. Z. Brockway of the Elmira Reformatory, "395, or nearly four tenths, had been convicted before they were out of their teens. They were led into crime from similar motives to those, which in other circumstances influence for good those actuated by them: The examples of those older than themselves, the influence of associates, the love of standing well in the estimation of others,—causes which, whether for good or evil, determine the career of every man. This baneful effect of bad associates is a result which cannot surprise anyone who knows of the life of the children of the slums and poor neighborhoods of towns. They are thrown, at an age when their character is not yet formed and their nature is plastic, into constant companionship with other unfortunates, who but a year or two before were as themselves, but who having become corrupted now proceed to corrupt others in turn. There is thus, as it were, a pestilence in the social community, a most infectious disease of a terrible character; and while medical science has discovered vaccination and the treatment of M. Pasteur for the prevention of dreadful diseases of the body, moral therapeutics still looks helplessly on while new centres of infection are being continually formed to keep active in perpetuity the still more noxious diseases of the mind." The foregoing quotation sets forth clearly, but not too strongly, the operation of this master cause of crime. Let us note it carefully; for we shall meet it again and again in these pages and in the history of moral reform as the cause that has most seriously baffled the efforts of benevolent organizations and municipal governments to check the growth of crime.

(d) *Bad Laws.* These should be included in any large view of human environment, for they touch and

influence men continually. The defects of our present criminal laws are such as to encourage crime. In their efforts to protect the innocent from any possible injustice the law-makers have engrafted upon the old common law modifications as to its administration that have robbed it mostly of its deterrent influence. A recent writer says: "Our administration of the criminal law has as nearly reached perfection in guarding the innocent (and guilty) from conviction as is possible for any human institution; but in securing the safety and order of the community by the conviction of the guilty it is woefully inadequate." (Atlantic Monthly, Feb. 1911, page 164). Again in the same Article: "The appalling amount of crime in the United States, as compared with many other civilized countries, is due to the fact that it is known generally that the punishment of crime is *uncertain* and far from severe." But, as is generally understood, the efficacy of law in deterring men from crime is in proportion to the *certainty of punishment* in case it is defied. "What is needed," says Judge Holt of the United States District Court of New York, "is prompt punishment, and *certain* punishment. When criminal punishment is so administered by the courts that the community at large reaches the conclusion that crime, if committed, will probably be promptly punished, it will largely cease." (See The Independent August 11, 1910. Article "Unpunished Crime in the United States.")

(e) *Poverty*. This is not always a cause of crime. The Countries of Ireland and Scotland, prove this. Poverty prevails to a great extent there among the peasantry and working classes in different trades, while the amount of crime has been small. Indeed we find many examples of the highest nobility of character among those poor

people. "I have a sacred pride in my peasant father," says Carlyle. "Let me write my books as he built his houses, and walk as blamelessly through this shadow world." Yet he and his father before him often experienced the pinching pangs of want. He says, "They had to scramble, scuffle for their clothes and food. They knit, they thatched for hire, above all they hunted. My father had tried all these things from boyhood. The mother had not always meal to make them porridge. Once, the meal which had perhaps been long scarce, and certainly for some time wanting, arrived at last late at night. The mother proceeded on the spot to make cakes of it, and had no fuel but straw that she tore from the beds to do it with." These poor people of Scotland, whose homes in the last two centuries have been nurseries of piety and sterling virtue, illustrate the truth of Maltbie Babcock's saying that "No lot in life is small enough to stunt a soul. Lowly circumstances are no bar to high thoughts."

Nevertheless poverty often leads men to crime. Especially is this the case where it is believed to be due to the injustice and oppression of capital in withholding a fair wage to the working people, whose toil has largely produced it. When these workers in mills and factories and other places of labor feel that their share in the product is far too small; and see those enriched by it rolling in wealth and living in luxury and splendor, while they themselves can barely earn a scanty living it is not strange that they become discontented, and demand "a living wage," and that, when this is refused, strikes and the violence and crime that attend them follow.

In regard to other causes of crime in the social environment of the people of this country, viz. Intemperance,

Lack of Industrial Training, Jail System, Sale and Use of revolvers, pistols, "guns," the reader is referred to The Essay on "Crime in the United States" further on in this volume.

Concerning "*wickedness*" as a cause of crime but little needs to be said: We already know about it all we need to know. Why do men steal, rob, shoot, and commit other crimes against property and person? Because in their selfishness, greed, and passion they resolve to do them in spite of the prohibitions of God, human government and their own consciences, which they disregard.

PREVENTION OF CRIME

In dealing with crime and studying how to meet and check it, "three things," it has been said, and it will be said again, "must be maintained in unintermitting activity:" Prevention, Repression, and Reformation. Of these *prevention* holds the place of prime importance. As far as possible, "the ax should be laid at the root of the tree;" the sources and feeders of crime should be carefully studied and guarded against, if we would successfully cope with the difficulties of this problem; just as, in battling with disease, Sanitary and Medical Science deems it most important to guard against the sources whence sickness arises.

The various causes of crime suggest the preventive measures required.

(a) *For Bad Hereditary Tendencies:* These call for wise compassion and the gentle ministries of *love*. The watchful solicitude of *parental* care, of a mother and father, whose hearts are wrung with sorrow that a child of theirs should have this blight, inherited possibly from

themselves, or their family stocks, this when given is the best preventive. If such parental love be lacking, then the best and kindest treatment to be obtained from private or state Institutions capable of handling such cases. Let not the first criminal offense be followed by arraignment before a police court that will sentence the lad to imprisonment in a common Jail, State Prison, or even Reformatory. Thank God, we have Childrens' or Juvenile Courts, presided over by considerate Judges, with fatherly hearts, where these delinquents may be brought for trial. These institutions have been rightly called "The Nation's Biggest Life Saving Stations," because, setting aside what was barbarous in the customary State treatment of Juvenile offenders, and adopting a treatment of them suited to their tender years, a way has been found through these courts of saving them from a life of crime instead of plunging them deeper into it.

One of the most eminent of the judges of the Juvenile Court, Julian W. Mack of Chicago, thus sets forth and contrasts the old customary method of dealing with juvenile offenders and the method now adopted by these courts: "In our jurisprudence there was no difference between the child and the adult. If the law were broken, as soon as the child reached the age of criminal responsibility, be it seven or ten or twelve years, it was treated exactly in the same way as an adult. The dignity of the State demanded vindication; and the necessity of punishment was obvious. In order to satisfy this injured dignity of the State, the little one of ten or twelve would be arrested, thrown into the station house, mingling there with drunks, vagabonds and harlots, the scum of civilization. Then he was brought into the criminal court, whose single aim was to decide,—has this little one done the particular

thing with which it is charged? If the child was guilty, the law knew no alternative but to sentence the child, be it to a fine for a petty offense, to imprisonment in the work house, or the jail, perhaps to the penitentiary. What was the result of this method? The natural normal effect on any child of that method of criminal law, excepting in a very few cases, was a permanent criminal career. We were then educating children to a career of criminality, while today we are really trying to educate these children into good decent citizenship, to the end that they may receive and enjoy the birthright of every American child. The Juvenile Court legislation struck this new note, that instead of inquiring whether a child was doing wrong for the purpose of punishing, we deal with the child for the single and sole purpose of doing that which is best for the future of the child, its family and the State." (See Conference of Charities and Corrections, 1908, page 371.)

Attached to the Juvenile Court is the "probation officer," next to the judge its most important official, on whose wise and efficient service the success of the Court's method depends. "The probation system is the foundation stone of the Juvenile Court," Judge Mack says. "The probation work is the most important work connected with the court. Carrying out the principle that it is the aim of the State not merely to punish, but to do that which is best for the child, we endeavor, no matter what the crime may be, if the home is at all fit for the child and if the child is at all fit for the home, to give it a chance to work out its own salvation in its own home, but under the constant supervision of the court through its probation officer."

To Judge Ben B. Lindsey, of Denver, Colorado, is due the credit, we believe, of creating and first successfully

operating the Juvenile Court; but what Judge Mack calls its "foundation stone," "*the probation system*," another man, John Augustus, of humbler social rank and less known to the world, is to be credited with. In the seventh annual Conference of Charities and Corrections (Cleveland, 1880), a very interesting and valuable paper on "Some Methods of Preventing Crime" was read by Warren F. Spalding, Secretary of the Massachusetts Board of Commissioners of Prisons, from which we quote the following paragraphs: "Many years ago, a Boston shoemaker, named John Augustus, interested in the welfare of the fallen, and impressed with the belief that many whose feet had slipped could be reclaimed better outside than inside the prison walls, arranged with the courts to have certain persons, who were arrested for crimes, put upon probation under his care. He became bound for their appearance at court, should they be so ordered, and, as a surety, had the right to surrender the principal when he chose. There was no authority for this, except the discretion always vested in the courts; but its operation and results were such that the judges of the Boston Courts continued to exercise it for several years, during which time hundreds of persons were taken upon probation by him, and generally with good results.

Later on, his labors having ceased, they were taken up by Mr. Rufus W. Cook (familiarily known in Boston as "Uncle Cook"), for many recent years the chaplain of Boston Jail. Many hundreds of persons were taken on probation in the same way by him; a large proportion of them returning to good lives. A similar method of dealing with children convicted of crimes, has long been in practice in Massachusetts. In 1878, a law was passed authorizing the appointment of a "probation officer" by the Mayor of

Boston, subject to the approval of the Board of Aldermen. So valuable was the work deemed to be, that the Legislature of 1880, with hardly a dissenting vote in either branch, extended the provisions of the statute so that a probation officer could be appointed in each city and town."

Deeming the Juvenile Court the most important addition, of the last half-century, to the methods of dealing with crime, we should not forget the work of that Boston shoe-maker, who laid the "foundation stone." "What humble hands unbar those gates of morn. Through which the splendors of the New Day burst!"

In cases contrary to those supposed by Judge Mack as best for the probation officer, *i. e.* "If the home is *not* fit for the child and if the child is *not* fit for the home," then the law governing the action of the Juvenile Court generally provides that the child shall be placed, but still under the care of the probation officer, in some public institution giving special reformatory treatment. It is so in the State of New York. But it has already been found in the brief experience of these courts that there are cases of Juvenile criminality for which we have now no adequate reformatory treatment. "Where a case of out and out mental deficiency is discovered in a juvenile delinquent," says E. R. Coulter, Clerk of the Children's Court of New York County, "there is no place where that child can receive proper treatment. The result is that such of these children as are committed to ordinary institutions are being made into habitual criminals and paupers, each, too, an agent for the reproduction of his kind in later years." (See Outlook, Feb. 18, 1911, Article, "A Child-Saving Station"). Therefore "A Child-Saving Station," of another kind, is demanded. Says Mr. Coulter, "In its

gradual abandonment of antiquated and barbarous methods of treating child offenders the State must recognize that the mentally defective and exceptional child requires a special process of training. The State, in fact, can ill afford to hesitate longer in taking this step in line with humanitarian progress."

(b) *For Corrupting Environment.* The agencies and measures that experience has shown to be good and efficacious in preventing and counteracting the mischief of corrupting environment found in bad homes, bad neighborhoods, and bad associates are described further on, in the chapter on "Crime in the United States" etc. (pp 100-'4), and in that of Shaftesbury and his work among the poor of London, especially in connection with the Ragged Schools. In the chapter, "A Century of Progress in Prison Reform," page 77, an account is given of the work of Barwick Baker and George Bengough in starting a reformatory and industrial school in Gloucestershire, England. In the Memoir of Mr. Baker that prefaces his valuable book, "War With Crime," we are told how his interest which culminated in such precious fruit originated. "The seeing of children time after time in prison," Mr. Baker said, "had occasioned him great pain, and he had thought much as to whether it could not be remedied. One day the Hon. Miss Murray, Maid of Honor to the Queen, called his attention to the possibility of reclaiming vicious children, and said that if he would bring to her any child that had sufficient strength of character to distinguish itself in vice, she had no fear but that she should be able to make that child distinguish itself in virtue. She urged him to visit a school then established in London; he did so, and became warmly interested in it." His interest blossomed into the flower which sprang up in "Hardwicke

Court," his residence, and this flower spread from there all over England. The writer cannot positively affirm that the school Mr. Baker visited in London was one of Shaftesbury's schools, but considering the time when it was visited, thinks it quite probable. This, however, is not so important as the undeniable fact that such men as Shaftesbury and Baker, with their associates in labor, are the best instrumentalities known to the world for the prevention and cure of crime.

The preventives that have been named, and any others that may be thought of, are of value as barriers to crime. If such barriers were set up in the right places they might save from social misdemeanors and offenses, that end in devious courses and final ruin. Here and there along the course of the Mississippi the river in past times has left its proper channel, broken over its banks, and carried devastation far and wide, never to return to the more direct channel where it ought to have flowed. Such an event in the river's history is like that which occurs in the life of a man who becomes a criminal. Taught by past experience, the general government and the states traversed by the river now endeavor to confine it to its bed, and restrain it from doing damage by suitable dyke and embankments. So Society has come to believe that men liable to social transgressions and outbreaks can be kept, and should be kept, by suitable barriers to a course of rectitude.

THE REPRESSION OF CRIME

The usual and accepted method of repressing crime is by the penalties of violated law; fines, imprisonment and the punitive and reformatory discipline of various kinds

given in prisons. The purpose of these as disclosed in the history and literature of prison discipline is fourfold: (1) Punishment, (2) Deterrence from crime, (3) Protection of Society, and (4) Reformation of the Criminal. The first and the second of these were especially emphasized by the Old Penology: The third and the fourth are made more prominent by the New Penology. Contrasting these two adverse systems, the Old Penology and the Prison Discipline associated with it were cruel, barbarous and unchristian. They embodied ideas and beliefs in regard to the criminal and the treatment he should receive that were cruel, pitiless and unchristian. They regarded him as an outcast deserving only of condemnation and punishment. Society, whose laws he had violated, owed him, they said, no pity. It might torture him or kill him, according to the gravity of his offense, but it was under no obligation to treat him with leniency, or to pardon him, or attempt by reformatory agencies to restore him to society and good citizenship. At the close of the 18th century 223 offenses were punishable with death and the death penalty was cruelly inflicted, as if it was necessary to associate with it as much suffering as possible.

In some of our States electrocution has recently been adopted as a mode of capital punishment; the reason for its adoption was that death so inflicted is instantaneous and painless. But a hundred years ago this reason would have been reckoned a serious objection to this mode of execution. The comfort of the prisoner was not thought of. The belief was that he should be made as wretched and uncomfortable as possible. His food was scanty and unpalatable; his prison a hell upon earth. One State, Connecticut, kept her prisoners in the excavated chambers of an old iron mine dripping with dampness, into which

the light of day never came. Heavy fetters of iron confined the prisoner's limbs, whose dismal clanking was heard with every movement he attempted, and which made it painful for him to stir. The prison keepers were harsh and unfeeling in the treatment of their charge. Blows and scourging were often inflicted and they boldly justified themselves in this. They said, "These men were sent here for punishment and the end of punishment is to make the wrong-doer suffer, and the question for us therefore is, 'How shall we punish them the most.' Only thus can justice be vindicated and offenses expiated and the demands of the law be fully satisfied." In talking thus we may say that they talked nonsense, but they thought themselves wise. It was a vindictive, merciless system, which made the prisons scenes of horror. The system was further justified, it was supposed, by the common notion that it was the only way to deter men from crime. It was thought that its deterrent power was in proportion to the severity of its punishment; that if the criminal was made to suffer severely enough he would cease from crime, and others seeing what he suffered because of it would through fear, if for no other reason, abstain from crime and behave uprightly. And, furthermore, that any general mitigation of the prisoner's lot or treatment through the promptings of pity whereby it should be made more humane and become more endurable to the criminal class would have the effect of opening the flood gates of crime.

Turning now to the teaching of the New Penology: it holds that such ideas, of the Old System, were erroneous and delusive notions, the falsity of which experience has repeatedly exposed. A savage and brutal punishment does not deter men from crime. This has been shown

again and again, until no truth in penology has been more clearly demonstrated than this. Though poachers in the old days were hung for stealing rabbits, rabbits continued to be stolen. Such punishments harden and brutalize the criminals and the public alike, but they do not, through any terror they inspire, put an end to or diminish crime. This New Penology, humane in its spirit, reformatory in its aim and based on Scientific principles and methods, has now largely supplanted the Old Penology among the more civilized nations of the world. It is the outcome of a Century of blundering experiment and growing Christian Enlightenment. In the following Chapter the story of its gradual development and progress during a Century to its present stage of advancement is told, and its workings described.

A CENTURY OF PROGRESS IN PRISON REFORM

The narrative of the beginnings, various efforts, and progress of Prison Reform makes a story of thrilling interest. It presents pictures of misery surpassing even those of Dante's *Inferno*, and examples of self-denying labor and saintly goodness in behalf of the sinful and wretched population of jails and prisons equal to the brightest in early Christianity.

In this philanthropic movement John Howard (born 1726) is conspicuous as a leader. His interest was awakened in the subject, and he was started on his career, in the following manner. Being a gentleman of independent fortune, and highly esteemed for his piety and benevolence, he was chosen sheriff of Bedfordshire, England. It was one of his official duties to inspect the prison of his county, which in this case was the famous jail in Bedford, where John Bunyan had been imprisoned for twelve years, a hundred years before, for the crime of absenting himself from the parish church and for being, as the indictment said, an "upholder of unlawful meetings and conventicles, to the great disturbance and distraction of the good subjects of this kingdom," etc. Though "The Pilgrim's Progress" was not conceived and written in this county jail, but, as Dr. John Brown shows, in the smaller municipal jail on the bridge, in which he was subsequently imprisoned for six months; yet in this county jail some of his best works were composed, and it had the great honor,

besides, of being the birthplace of Howard's great mission of mercy for the improvement of prisons and of the condition of prisoners.

In the discharge of his duty of sheriff, he discovered some cases of injustice which filled his benevolent soul with righteous indignation; viz. the cases of prisoners who had been wrongfully accused, but who, instead of being promptly discharged from custody as soon as their innocence was established in court, had been dragged back to jail and locked up again till they should pay certain customary fees to the jailor and other prison officers, who were supported by these instead of a regular salary from the state.

"In order to redress this hardship (says Howard), I applied to the justices of the county for a salary to the jailor in lieu of his fees. The bench were properly affected with the grievance, and willing to grant the relief desired: but they wanted a precedent for charging the county with the expense. I therefore rode into several neighboring counties in search of a precedent; but I soon learned that the same injustice was practiced in them; and looking into the prisons, I beheld scenes of calamity, which I grew daily more and more anxious to alleviate."

That vain search for a "precedent" for adopting a plain course of justice, which one would think needed no precedent, was the beginning of a tour of inspection made by Howard among the prisons of England, which ended not until "most of the county jails in England," and the city and town jails, known as *bridewells* and *houses of correction*, had been visited by him. After visiting the various prisons of England, he visited those of Scotland and Ireland likewise. Nothing escaped his searching glance, everything was noted and carefully set down in

his note-book. His terse and graphic style created pictures that are like photographs; they enable you to see what he saw.

What did he see? Pestiferous dens of misery and corruption! They were almost entirely destitute of every comfort,—dark, much overcrowded, ill-ventilated, foully dirty. These dens of filth were continually haunted by a malignant jail fever,—a form of typhus,—the result of filth and overcrowding, which sometimes was communicated by the prisoners, when brought into court for trial, to those in attendance on the court. “When prisoners have been long, and close, and nastily kept,” says Lord Bacon of what happened in his time, “both judges that sat upon the trial and numbers of them that were present sickened and died.” An instance is referred to by Sir Edmund Du Cane* as having occurred in London in the days of Howard, when the Lord Mayor, an alderman, two judges, and forty others, including sheriffs, members of the bar and jury, fell victims to this fever, which coming into the court with the prisoners, like a messenger of vengeance sent by God, smote with fatal sickness these representatives of the government, which had forgotten that God hears “the sighing of the prisoners” and avenges their wrongs. The wretched inmates of the prisons were indiscriminately herded together, debtors and felons, young lads and old culprits, men and women, with contaminating effect. Instead of “Houses of Correction,” Howard said, “they were Houses of Corruption.”

“For food the prisoners were dependent upon the caprice of their jailors or the charity of the benevolent. They were often half-naked or in rags; their only bedding was putrid straw reeking with poisonous exhalations and

*See *The Punishment and Prevention of Crime*, chap. iii.

accumulated filth. Every one in durance, whether tried or untried, was heavily ironed All alike were subject to the rapacity of their jailors and the extortion of their fellows. Jail fees were levied ruthlessly—'garnish' also, the tax or contribution paid by each individual to a common fund to be spent by the whole body, generally in drink Idleness, drunkenness, vicious intercourse, sickness, starvation, squalor, cruelty, chains, awful oppression and everywhere culpable neglect—in these words (says a graphic writer) may be summed up the state of the jails at the time of Howard's visitation."

After his tour among the prisons of Great Britain was finished, Howard, contemplating the publication of a book to expose the defects of the prison management which he had discovered, thought it would add to the value and influence of his book if he should insert in it some practical suggestions and recommendations for remedying the evils to which he would call attention. To qualify himself for doing this, he thought it would be well to examine the prison systems of other countries and note the best examples the world then presented. He determined, therefore, to make a tour of the continent of Europe for this purpose. In accomplishing it, he visited the principal cities of France, Holland, Belgium, Germany, Switzerland, and Italy, inspecting in them with eager interest—not their museums of art, and various curiosities, or their splendid churches and galleries of paintings and sculpture, which form the chief objects of attraction to most travelers, but—their gloomy prisons, the abodes of misery and woe.

He found in his travels some things in the prison discipline and some prisons as bad as those of England, but in the main the prison systems of those countries were superior to those of England, so that he was moved to say

that, while he "seldom had occasion to envy foreigners anything he saw with respect to their situation, their religion, their manners or government, their better prisons sometimes made him blush for his native land."

Among the various prisons he visited there were some of conspicuous excellence, which were like lofty mountain peaks rising far above their fellows in the systems to which they belonged. The celebrated *Maison de Force* of Ghent, in Belgium, was one of them. At that time, recently built, it was the model prison of Europe both as to its architectural construction and its system of discipline. In these respects it was, indeed, nearly equal to the best of our modern prisons, and as a model has greatly influenced their construction and management. In it Howard saw applied with visible and most convincing good effect some of the great principles of prison discipline which he afterwards earnestly advocated. The convicts were classified, lodged in separate cells, abundantly fed with wholesome food, comfortably clothed, diligently instructed in morals and religion, industriously employed and trained, and given, as incentives to diligence, self-improvement, and good behavior, a share in their earnings and an abbreviation of their sentence.

The "Rasp House" of Amsterdam, Holland, was another notable prison visited by Howard, in which he found the reformatory influence of prison labor illustrated and emphasized. Over the gateway was a bas-relief representing a man driving a wagon loaded with logwood for *rasping*, drawn by lions, tigers, and wild boars, with this inscription in Latin: "*It is well to tame what all men fear.*" The *taming* agency here employed was work.

"Men are put to labor in the Rasp House (says Howard) upon this professed maxim: 'Make them diligent

and they will be honest.' I am informed that many come out sober and honest As an encouragement to sobriety and industry, those who distinguished themselves by such behavior were discharged before the expiration of their terms This practice of abridging the term of punishment upon reformation is in every view wise and beneficial."

In the different prisons of Paris "none of the prisoners were in irons. No jailor may put them on a prisoner without an express order from the judge Taking garnish is strictly prohibited In behalf of criminals who have not been tried, the Parliament commonly orders the Attorney-General to write in their name to the inferior Judges, inquiring into the causes of delay, or ordering expedition. If a prisoner be acquitted, he is discharged within twenty-four hours."

In Rome there was a notable prison, that of St. Michael, erected by Pope Clement XI. in 1705, in which the reformatory aim of the prison was distinctly declared and emphasized. It was erected for the reformation of boys and young men. Like the prisons of Elmira, New York, and Mansfield, Ohio, and the reformatories of England, its avowed chief purpose was to reclaim young offenders rather than to punish those that were old in crime and almost incorrigible. On a marble slab within, Howard saw this inscription in Latin: *Parum est coercere improbos poena nisi probos efficias disciplina, i. e. It does little good to restrain criminals by punishment unless you reform them by your discipline*,—a sentiment which he regarded as the most important principle of prison discipline, and which has come to be accepted by the majority of prison reformers of our time who hold that "to discharge a criminal without reformation is to defeat the purpose of his imprisonment."

From his gleaning in the strange field of the prisons of the Continent of Europe, Howard brought back a precious sheaf of golden counsel for the English people to put into the book he was preparing. Among the recommendations for the improvement of English prisons which it contained were the following, suggested by his observations:—

1. Separate cells for the prisoners at night.
2. Entire separation of different classes of prisoners, the women from the men, youthful offenders and poor debtors from old and hardened criminals; those merely detained for trial and who might be found innocent from those found guilty of crime,—instead of herding them all indiscriminately together.
3. That the use of fetters upon prisoners be discontinued.
4. That sufficient wholesome food be provided for the prisoners,—but no spirituous liquors.
5. “No prisoner should be subject to any demand of fees. The jailor should have a salary in lieu of them; and so should the turnkeys.”
6. Care should be taken to find “a good man for a jailor; one that is honest, active, and humane.”
7. That moral and religious instruction be given the prisoners by pious and worthy ministers with a view to their reformation.
8. That the aim of the prison discipline be reformatory rather than punitive or penal.
9. That the prisoners, instead of being allowed to spend their time in idleness and riot, be put to some regular useful labor to form in them habits of industry and the ability of self-support.
10. That a share in the profit of their labor and an

abbreviation of their time of imprisonment be given them as a stimulus to industry and good behavior.

11. That suitable prisons, architecturally planned to carry out these ideas,—like that of Ghent—are needed. They should be provided with a sufficient number of separate cells, with workshops and implements of labor.

Howard's book, entitled, "The State of Prisons in England and Wales, with Preliminary Observations, and an Account of Some Foreign Prisons," appeared in 1777. It marks an epoch in the history of mankind. The effect of it was immediate and immense. The public had previously learned of Howard's philanthropic work and were eagerly awaiting the appearance of his book. Before his tour of inspection of the English prisons was half completed he had been summoned before the House of Commons to testify of the abuses he had discovered; and so impressive and valuable was his testimony thought to be, that he received the honor of a formal vote of thanks from that legislative body.

In addition to this, Parliament had immediately enacted two measures of relief: the first commanded the abolishment of the system of fees that had excited Howard's indignation; the other, that the prisons should be scraped and whitewashed at least once a year, and that other means be used to improve their sanitary condition, and secure the health and greater comfort of the prisoners. These two legislative measures Howard caused to be printed in large type at his own expense, and sent to every jailor in the land, that the laws might become at once operative, and that no jailor might plead ignorance of them in case of disobedience.

Howard's book, having thus become generally known to the English people, was eagerly and widely read. The

attention of the whole nation was thus directed to the abuses exposed, and a public sentiment was created which in the following year (1778) became embodied in an important Act of legislation. This Act was for the establishment of additional penitentiaries to relieve the crowded state of existing prisons, and to carry out under better conditions the ideas then disseminated through England by Howard's labors in regard to the proper treatment of criminals. It clearly set forth the chief principles of penal discipline. The object to be kept in view was thus stated:

"It is hoped by sobriety, cleanliness and medical assistance, by a regular series of labor, by solitary confinement during the intervals of work, and by due religious instruction to preserve and amend the health of the unhappy offenders, to inure to habits of industry, to guard them from pernicious company, to accustom them to serious reflection, and to teach them both the principles and the practice of every Christian and moral duty."

"The experience of a century," says a high authority, "has added nothing to these true principles of penal discipline: they form the basis of every species of prison system carried out since the passing of the Act."

The Act provided for the building of two penitentiaries to make the grand experiment proposed, and Howard was appointed one of three supervisors to superintend their erection.

It thus seemed as if Howard's benevolent labors for the improvement of prisons and their management were to receive at once their reward of a new and vastly improved class of prisons with a wise and humane method of prison discipline for his country. But great reforms are not easily won. Old errors and deeply rooted abuses are with difficulty eradicated. It requires usually a long

time to effect important changes of this kind. The case under consideration was no exception to the rule. Instead of three or five years, exactly one hundred years were required to accomplish the object aimed at by Howard in his famous book. The bright and glorious dawn of reform which followed its publication became soon clouded, and the hoped-for good day it promised was long postponed.

It is an interesting fact, however, for us in this country to know, that Howard's work in furtherance of Prison Reform speedily produced *here* important fruit. The report of his testimony before the House of Commons in 1774, to which reference has been made, was at that time carried by newspapers and correspondents across the sea and read with interest in the American Colonies. As a result of the interest it awakened, a Prison Reform Association—the first in the world it is believed—was organized in 1776, composed chiefly of Quakers, though Benjamin Franklin and Dr. Benjamin Rush were among its members. It was disbanded the following year, because of the occupation of Philadelphia by the British troops, but reorganized after the War of Independence, in 1787. Through its influence there was effected in a comparatively short time a great amelioration of the criminals laws of Pennsylvania. When the Association was organized, the criminal code of Pennsylvania, like that of England, was most severe and merciless, "written in blood," as Sir Samuel Romilly said of the penal code of the mother country. "The statute-book bristled with capital felonies, and the gallows was in perpetual requisition. Those were days when the pickpocket was hanged; as was the sheep-stealer, and the forger of one-pound notes."* "The punishment most in favor in these ruthless times was death," says the writer.

*Encyc. Brit.

In Great Britain and in her colonies the idea had long prevailed that the best thing to be done with felons was to hang them. It was the easiest, cheapest, and quickest way to dispose of them. The wretched prison management of the times, with its corrupting effect on the prisoners, seemed to justify the cruel belief. As one judge (Judge Heath) boldly said, and thereby sought to justify the severity of the law which he ruthlessly administered: "If you imprison him, the culprit is soon thrown back upon you hardened in guilt. There is no regenerating the felon. For his own sake as well as for the sake of society, I think it better to hang him."

Through the influence of the Philadelphia Reform Society the old merciless code was greatly mollified; so that in less than ten years the whole list of capital offenses, except one,—that of murder in the first degree,—was erased from the Statute-Book. Murder alone continued to be punishable with death.

Besides purging the statute-book of its atrocious severity, the Reform Association secured by its humane exertions a vast improvement in the management of the prisons of the State. It obtained from the Pennsylvania Legislature in 1790 an Act whereby "hardened and atrocious offenders," *i. e.* incorrigible culprits, were kept separate and secluded from other prisoners. In 1794 this was specifically amended so that it should be clearly understood that all convicts (as distinguished from persons that were simply under arrest and detained for trial, or persons imprisoned for debt) should be separated and kept secluded from others. In 1796 the Society urged the Legislature to forbid the exaction of fees at the liberation of prisoners, and to abolish the degrading penalties of the whipping-post, of the pillory with its exposure to

the taunts of the rabble, of branding the face or hands with a hot iron, of cropping the ears, and of the wearing of chains and clogs as marks of disgrace. It recommended also the careful classification of prisoners, and that efforts be made to reform them by proper moral instruction, by labor performed in solitude, and by denial to them of intoxicating drinks.

The principles of reform thus promulgated and applied bore good fruit in the improvement of the moral character and condition of the prisoners. It was proved that humane treatment, instead of weakening the restraints of wickedness and increasing crime, diminished it. Such treatment softened the criminal's heart and inspired the desire to do better.

A similar Association to that of Philadelphia was formed in Boston in 1815. It was called "The Society for the Improvement of Prison Discipline and for the Reformation of Juvenile Offenders." Through its influence the State of Massachusetts has ever since kept abreast of the best thought and experience of the world as to methods of dealing with criminal classes.

In the United States at that time, as in England, the necessity was perceived and deeply felt of a new style of prisons, more commodious and adapted to the proposed measures of reform,—in particular, so constructed as to allow a separate cell for each prisoner, and afford conveniences for labor,—but the poverty of the country and the burdens created by the War of Independence forbade their erection until some years had elapsed. The first penitentiary of this kind in this country was built at Auburn, New York, in 1816; and the second—the famous Eastern Penitentiary of Philadelphia—in 1829, "whose erection, by reason of its completeness of adaptation to its

purpose," General R. Brinkerhoff affirms, "marks an epoch in the history of prisons, and the greatest advance in prison reform which had yet been made in the world." Adopting some of the best features of the best prisons of Europe, like the *Maison de Force* of Ghent, and St. Michael's of Rome, and adding to these important and valuable improvements, the Eastern Penitentiary was so well fitted to carry out the "Pennsylvania system" of entire cellular separation of the prisoners, that it became the model for other countries, especially England.

Going back now to the mother country, which John Howard's book on the "State of Prisons in England" so profoundly stirred in favor of prison reform that it seemed quite probable that what was desirable would be shortly accomplished, let us consider the reasons why this expectation was not fulfilled. One reason was that Howard and his colleagues of the Commission to superintend the erection of new prisons authorized by Parliament could not agree as to the best location for these penitentiaries, and therefore the plan was indefinitely postponed. Howard waited twelve years in the hope of seeing it fulfilled, and died in 1790, saying, as if his life and work had been of little account, "Give me no monument, but lay me quietly in the earth, place a sun-dial over my grave, and let me be forgotten." Not until he had lain in his grave over fifty years did the project of building prisons adapted to the reform measures that he had proposed take full and suitable effect. Not counting the great penitentiary at Millbank, which proved a dismal failure (though erected at large expense and opened in 1816 with a great flourish in anticipation of its usefulness), the hope of Howard to have in England a prison adapted to carry out his dream of prison reform was not realized until the erection of the

celebrated prison of Pentonville, opened with great éclat in 1842.

There were, however, other and deeper causes for the delay than the unhappy disagreement between Howard and his colleagues of the Commission for the erection of new prisons. Two causes, in particular, claim our attention as especially influential: (1) the use of the *hulks* of old war ships for prisons; and (2) the adoption, by the English government, of *transportation* as a convenient means of disposing of criminals.

1. The use of hulks for the places of confinement was adopted by the English government as a temporary measure to relieve the crowded condition of the prisons to which Howard had called attention. It is an interesting example of the way a temporary makeshift, as supposed, may become a long existing institution. For this system of hulks, adopted only as a temporary expedient with the avowed intention of abandoning it as soon as proper and suitable penitentiaries could be erected, lasted between eighty and ninety years. The old hulks were not adapted to serve as prisons; they did not allow of a close supervision of the prisoners; they compelled, even more than the common jails had done, the indiscriminate mingling of them together (which Howard had severely censured), with the result that "every evil prevailed on board these prison ships that can be supposed to arise from the unchecked association of men of foul lives and unrestrained passions." Besides being such sinks of moral corruption, they were, by reason of their close, ill-ventilated, unsanitary condition, dreadfully unhealthful,—pest-holes of sickness and fatal disease, which produced sometimes a mortality of thirty per cent annually.

2. The other cause—transportation of criminals to

her distant colonies—demands of us more lengthy consideration. The idea of transportation, though not new (it had been suggested as convenient, and acted upon with reference to the American Colonies until they had protested against it), was revived and stimulated by the discoveries of Captain Cook in the South Seas in 1770, and the acquisition by England of Australia and Van Dieman's Land. Those distant parts of the world offered an inviting field for the disposition of the convicts. Transported to those regions remote, it was thought they might begin life anew there under more favorable conditions, and stand a better chance, by severance from former evil associations, of becoming good men and useful members of society. At any rate, England would be well rid of them; for they were not likely, it was supposed, to return from so far to trouble her any more. Having then only the means of slow transportation by sail-vessels, and no prevision of the way steam and electricity would in the next century annihilate time and space as serious factors in the problem of traversing vast distances, these conclusions were natural. They so far prevailed with the government that in 1787 nine transports filled with convicts and under the convoy of two men-of-war were dispatched to New South Wales. The voyage lasted eight months. In the voyage (as described by Du Cane) the convicts were all mingled together in close companionship, with but slight supervision. The conditions, of course, were favorable to mutual corruption, and, as a matter of fact, this invariably followed their association together for such a long time. If there were any at the beginning of the voyage who were not completely hardened in wickedness, any that felt remorse for what they had done and a desire to return to paths of virtue and redeem their lost

characters, these came to the end of the voyage depraved like the rest. Before they set sail from England they were allowed to receive visits from friends, who in some cases secretly furnished them liquors and other fancied comforts for the voyage, which became a means of riot and dissipation. The following picture of the state of things found in the hold of one of these transports is given by a Moravian missionary, who went in her as a passenger to New South Wales:—

“About 240 of these miserable creatures were chained in pairs, hand to hand or leg to leg. At first the darkness of the place, with no light but what came in at the hatchways, the rattling of the chains, and the dreadful imprecations of the prisoners suggested ideas of the most horrid nature, and combined to form a lively picture of the infernal regions.”*

Doubtless some of the convicts before they sailed from England received visits from Christian friends, who, solicitous for their reformation, gave them better gifts than liquors, *i. e.*, Bibles and good books, to promote their spiritual welfare during the long voyage. But, however sincere and honest the purpose of these convicts to make a good use of those books, they were overcome by the adverse influence of the great majority. One instance is reported where “the convicts were found to have procured a pack of cards to beguile the time, and it turned out that these cards were made by pasting together several leaves of the Bibles found among them, and the artist who designed the court cards had managed to make the four knaves into excellent likenesses of the captain and the other superior officers.”

*Quoted by Du Cane, *Punishment and Prevention of Crime*, chap. v.

These occasional flashes of wild, irrepressible humor, which the annals of the subject afford, only make the scenes of wretchedness which they light up more lurid and dreadful.

Those transports were in truth miniature hells, and the procession of them from England to the antipodes, which lasted for a period of eighty years, was, in view of the freight of human misery they carried and the utter demoralization they wrought, the most woeful that ever traversed the globe. Death and the plague often added their horrors to what was experienced in those dark holes. The Moravian missionary, above quoted, says that on the transport in which he was a passenger, "a putrid fever broke out among the convicts, that carried off thirty-four before the ship reached the Cape of Good Hope, and the ship became loathsome beyond description."

Imagination sickens at the spiritual and physical condition of the miserable convict in such a case. Weariness and continual discomfort tortured his body; remorse and a sense of a pursuing, inevitable curse tormented his soul. We are reminded of Coleridge's description of the voyage of "The Ancient Mariner," whose ship sailed in the same track that these transports pursued, and whose experiences in the tropical seas traversed were like those of the convict in the circumstances described.

"With sloping masts and dipping prow,
As who pursued with yell and blow
Still treads the shadow of his foe,
And forward bends his head,
The ship drove fast, loud roared the blast
And southward aye we fled.

.

"Ah! well a-day! what evil looks
Had I from old and young!"

"There passed a weary time. Each throat
Was parched, and glazed each eye.
A weary time! a weary time!
How glazed each weary eye.

.

"I looked to heaven, and tried to pray;
But or ever a prayer had gusht,
A wicked whisper came, and made
My heart as dry as dust.

.

"I closed my lids, and kept them close,
And the balls like pulses beat;
For the sky and the sea, and the sea and the sky
Lay like a load on my weary eye,
And the dead were at my feet."

On their arrival at their destination in New South Wales, various experiences—not wholesome nor reformatory—awaited them. The colony for a considerable time was chiefly composed of criminals and their guards and keepers. There were but few free immigrants among them. In fact, the government authorities openly and frankly declared that the colony was primarily founded for the sake of the convicts, and that they did not care to encourage free immigration. After twenty years the population of the colony was only 10,500, of which 7,000 were convicts, mainly employed on public works and supported at the public expense. The colony's subsequent

rapid advance in wealth and prosperity was largely due to the magnificent roads, bridges, and other public works wrought by convict labors in those early years of its existence.

But the association of the convicts in such large numbers tended to their complete demoralization. As a system of punishment it totally failed in the three most important essentials: (1) it had *no deterrent influence*, since it was not dreaded by the convicts, to whom it held out a promise of pleasant adventure; (2) it was *not reformatory*, but tended obviously to produce further moral debasement; (3) it was *not economical*, but enormously expensive.

To lighten the expense, a change in the system was devised, which tended to make it still worse as a system of punishment. The convicts were "assigned" (as the phrase was) to any who would relieve the government of the expense of supporting them. As the colony grew in wealth and population, many enterprises were started, and there was plenty of work for the convicts on the extensive sheep farms of the interior, and in the various trades and commercial industries of the cities and towns. The demand for the more intelligent and capable became great. It was often a valuable consideration to secure at small cost the services of men capable of acting as clerks, book-keepers, and skilled mechanics. Therefore on the arrival of every ship-load of convicts there was an eager scramble for the best hands. There existed accordingly, as may be imagined, great inequality in the punishment suffered by the convicts. The dull and unskillful were put to hard manual drudgery, while clever and expert rogues found pleasant and sometimes profitable employment. For it sometimes happened that the applicants to whom these were assigned were secret friends, or

former undetected accomplices in crime, holding in their possessions the booty gained by successful wickedness. These having got assigned to them their convict friends, the latter, though nominally subject, were really partners or perhaps controlling minds in the business engaged in. Many of them became rich, and the report of their riches carried home by the "emancipists" (*i. e.* discharged convicts), or published in the home papers in the letters of Colonial correspondents robbed transportation of its dread as a penal discipline.

The system allowed of cases of harsh treatment, and, no doubt, this was sometimes suffered by the convicts. The assigned were practically slaves, for the time, of the assignees, and liable to suffer from the tyranny and cruelty of their masters. The government, however, imposed some restraints upon the master. He might not himself lawfully inflict on the convict corporal punishment; he could only invoke from government officials the punishment merited by misconduct. In case of ill usage the convict could appeal to the magistrate for protection. On the whole, the convicts assigned fared well and had an easy service. Though nominally under the supervision of the government authorities, this did not impose much restraint. They came and went almost at will, and amused themselves freely after working hours. Their unchecked intercourse and dissipation made the towns where they congregated hotbeds of vice and wickedness.

A portion of the convicts—the most desperate in character—were retained by the government in its own care as too dangerous for assignment; and those who, having been assigned, had been found unmanageable by their masters and returned to the custody of the government.

The bad cases, according to the degree of their in-

corrigibility, were disposed of in three ways: they were placed (1) in *road parties*, (2) in *chain gangs*, and (3) in *penal colonies*.

1. Those in road parties worked upon the public highways, and were marched about hither and thither as the public service demanded. The labor was irksome but never intolerable, the diet was ample, and there was considerable freedom. Owing to this freedom, the convicts sometimes escaped and became bushrangers, spreading terror through the country.

2. In the chain gangs, employed upon various public works, the labor was harder, the discipline more severe, the custody exercised over the convicts more close and vigilant. A military guard was placed over them; all were heavily ironed and chained together. If they were intractable, they were whipped by an official scourger attached to the gang. From sunset to sunrise they were shut up in a stockade or town prison, and small liberty was given them.

3. The penal colony, to which the worst cases were sent, and which represented the last degree of punishment, was a terrible place. There were several of them, located in Moreton Bay, Port Arthur, Tasman's Peninsula, and Norfolk Island. That of Norfolk Island was the largest and of the worst repute. It became famous for its size, for the awful desperation and wickedness of the convict colony confined in its narrow limits, and more especially for the notable experiment in convict management made there by Captain Maconochie, who was the superintendent or governor of the colony for a time, and by his wise and humane method of administration achieved a marvelous success in ameliorating the condition and reforming the characters of the convicts.

On a small lonely island in the Pacific Ocean, only fifteen miles in circumference, far removed from any other body of land, from 1,500 to 1,800 convicts were herded together under conditions most depressing and brutalizing. The chief aim of the authorities in their management was to treat them with relentless severity. The convicts were put to the hardest work unrelieved by any solacing comforts or tokens of kindness. They toiled in chains by day under harsh overseers, and they were driven at night in chains to barracks so cheerless and bare as to violate all sense of decency. For the smallest offenses they were brutally flogged. When fed they were treated more like dogs or swine than men. No knives were allowed them to cut their food; no cups to drink from; they tore their food with their hands and teeth, and they drank from water-buckets.

No appeal was made to their moral sentiments; no hope was held out to them of retrieving the past; no light of religion or knowledge given to cheer their dreary situation and environment;—they had no church nor chaplain no schools nor teachers, and no books. The effect of this harsh treatment was to defeat entirely one of the chief aims of penal discipline,—the reformation of the criminal. "Let a man be what he will when he comes here," said one, "he is soon as bad as the rest; a man's heart is taken from him, and there is given him the heart of a beast." "The tendency of such treatment," it has been truly said, "is to destroy self-respect, to brutalize its victim, and to cultivate a hatred of society none the less dangerous because for the time impotent." This brutalizing effect was apparent in their behavior and in their very faces. When congregated together they looked like a crowd of fiends. Their disposition became so savage and violent

that it was not safe for even armed guards to go near them, though the convicts were fettered with chains. Unnatural vice and crime prevailed among them; assaults and murders were frequent.

Such was the state of things on Norfolk Island when Captain Maconochie, a former naval officer, became its governor. He received his appointment because of the notice he had attracted by some published criticisms made by him of the cruel system then employed in the penal colonies, and the practical suggestions accompanying them as to the ways in which existing evils might be remedied. He was appointed that he might have the opportunity to prove the correctness of his suggestions and recommendations, which would result in a radical change of system. His system as compared with the old was marked in general by kindness and trust in place of severity and distrust. He addressed and treated the convicts as fellowmen and brothers—fallen, indeed, but capable of recovery, and whom he, manifestly, earnestly desired to recover. He showed his confidence in them by going freely unarmed among them accompanied by his wife, and by his kindness, unfailing courtesy, and the consideration due to fellow-men.

Upon these general features, he engrafted upon his system certain particulars in method of administration which marked an epoch in Prison Discipline, and have been adopted, the world over, as valuable helps in the successful treatment of prisoners. They were:—

1. That crime might be advantageously measured and punished by a task instead of a time sentence.

2. That the task might be measured by *marks*:—instead of being sentenced for a certain number of years,

the convict might be sentenced to earn a certain number of marks before he could regain his freedom.

3. That the convict should pay for his own keeping with marks, and be allowed considerable freedom of choice in regard to his rations;—the coarsest, plainest daily rations costing him three marks; the next in quality, four; the best, five.

4. Ten marks represented an average man's daily wage, and it was made possible to increase this to twelve or thirteen by working over time.

5. The marks also afforded a means of discipline,—a fine in loss of marks being the penalty of disobedience, or failure in duty.

Thus, it will be seen that the convict could increase his marks by economy of living, by working extra hours, and by good behavior. Captain Maconochie sought to make prison life as far as possible an image of a man's ordinary life, in which his social and material welfare depends, usually, on the exercise of these virtues of economy, diligence, and good conduct.

With the marking system was connected a *grading* system, the one coöperating with the other to accomplish the desired result of the convict's reformation. The term of sentence was divided into three parts, representing various grades of moral standing:—

1. The first, into which the convict was introduced at the beginning, was strictly penal, and its discipline severe and stringent, designed by its sharpness to make the convict feel that the way of the transgressor is hard, and to deter him from ever again committing a crime.

2. The second was social in its character and effects. In this the prisoners were distributed into small parties of six, such as might choose to be associated to-

gether, who were made responsible somewhat for one another, earning and forfeiting in common and at liberty to bestow their marks helpfully upon each other. Thus they were familiarized with the ideas of mutual responsibility and obligation to promote the common welfare, and with the wholesome effect of acts of mutual kindness such as obtain in helpful family relations.

3. The third part and its corresponding grade represented a state of comparative freedom. Each convict was allowed to have his own hut and garden, poultry-yard and piggery, the products of which he might sell to the officers of the colony, or to ships touching at the island. Being allowed in this way to acquire property of his own and made to feel at what cost of labor and pains it was obtained, it was hoped that the convict would learn to respect the property rights of others.

The system of administration thus outlined cultivated the self-respect of the prisoners and their sense of moral and social obligation. Captain Maconochie assisted its successful operation by his cordial manifestation of personal interest in the men and by suitable additions to the material and religious equipment of the colony. He improved the convicts' quarters so far as he was allowed to do so, supplied them with knives, forks, table dishes, pannikins, etc., that they might feed themselves like civilized people. He established schools for them and churches, and furnished them with wholesome books. He gave them prizes for assiduity in study, and by his constant presence and counsel directed their thoughts to noble aims.

His intention was that his marking and grading system should enable the convicts by superior conduct and industry to hasten their liberation by shortening their terms of sentence. He emphasized this as a very import-

ant part of his plan. But he was not allowed by the government to incorporate this feature in his reformatory scheme, and it was thus robbed, as he thought, of its highest potency. He was obliged to limit the operation of his system to the purchase of such inferior benefits as their circumstances permitted. But even when thus restricted in its operation, the system wrought marvels. One witness to its success says, "Captain Maconochie did more for the reformation of the unhappy wretches than the most sanguine mind could beforehand have ventured even to hope. He found the place a hell; he left it at the end of four years a well-ordered community."

But he experienced the fate of almost all reformers in being misunderstood and having his work misrepresented. The result was that he was not only grievously hampered and restricted in carrying out his plan, but called home to England, and "thus a most important, and as calm investigation afterwards proved a most successful experiment was brought to a premature and hasty conclusion." Short, however, as was his administration of the prison colony, it was long enough to prove the value of his method of prison discipline, and establish the correctness of the principles on which they were based.

The twofold marking and grading system which Captain Maconochie devised and put in operation there on Norfolk Island became a permanent addition to the science of Penology. This system and the Australian Ballot and some other social and economical experiments are great and notable gifts of that remote hemisphere to England and America. This system of prison management was continued with growing success by Captain Walter Crofton as governor in Norfolk Island after Maconochie's

retirement from the office, and subsequently in Ireland in the so-called "Irish Prison System," which Crofton introduced there with extraordinary success. Later it was adopted as an integral part of the English prison system, and today it forms a prominent feature in the management of the Elmira Reformatory, of New York, of that of Mansfield, Ohio, and, in fact, of all the best American prisons.

It will thus appear that the causes of delay in the work of Prison Reform in England in the days of John Howard were not unaccompanied by good. The system of hulk imprisonment made more manifest the mischief arising from the indiscriminate association of prisoners, and emphasized the necessity of carefully separating and isolating them at night by confinement in separate cells. The system of transportation, with its attendant abuses and horrors of assignment, chain gangs, and penal colonies, relieved only by the one bright episode of Captain Macnochie's administration at Norfolk Island, demonstrated the fact that two things must be constantly kept in mind, and their great importance magnified in prison discipline, viz. the reformation of the convict and the prevention of the spread of crime because of the contaminating association of prisoners. Lose sight of the first, or neglect the proper means of accomplishing it, and the prison hardens, and greatly and rapidly increases the depravity of the convict until it becomes an infernal place; lose sight of the second, and crime spreads, as a plague spreads, until it grows to be an awful calamity imperiling the dearest interests of society. The chain gangs and the penal colonies connected with the transportation system demonstrated, also, that chains and whippings and rigorous treatment in the management of prisoners are far less efficacious

in their reformatory influence than kindness and moral suasion. Brutal treatment brutalizes to a savage and reckless ferocity; humane treatment with suitable moral and religious teaching appeals to the better nature and kindles into life the latent sparks of manhood.

Transportation to New South Wales lasted until 1840, when it was stopped by the energetic opposition of the colony, unwilling to be made any longer a receptacle for the criminal sewage of the mother country. It continued to Van Dieman's Land in modified form until 1852, and to Western Australia until 1867, when the "Australian League" compelled its entire cessation from every portion of those Colonial possessions of Great Britain.

The Transportation System forms an interesting chapter in the history of Penology. The ideas and theories which so long supported it were delusive, and many terrible consequences resulted from the mistake: but it furnished such valuable object-lessons that the evil wrought was partly counterbalanced by the good received, and this good became a permanent contribution to the science of Prison Reform.

Going back in our story of Prison Reform in England to the point from which digression was made to speak of the causes that interrupted it, we now will resume this story at that point, and carry it forward as rapidly as possible by a brief consideration of the principal stages by which the reform advanced. We will indicate these stages under the names of different epochs which suitably and fairly well describe them.

1. *The Epoch of Philanthropic Effort.* This epoch covers the period from 1773, when Howard was made sheriff of Bedfordshire, to 1820. Howard's great work

was embraced in it, and may be justly deemed as the most important of any. He was both the pioneer and the chief actor in this endeavor to improve the condition of prisons and promote the reformation of their inmates. His is the unquestioned honor of having aroused the attention of mankind to the subject in modern times. But he aroused them apparently only that they might relapse again into careless indifference. During the quarter of a century that succeeded his death no marked progress was made. One imitator of Howard, Mr. Neild, who endeavored to push on the work, said in 1812, that "the great reformation produced by Howard was merely temporary,"—the old conditions of overcrowding and indiscriminate intercourse remained unchanged,—"prisons were relapsing into their former horrid state of privation, filthiness, severity, and neglect." Yet there was something attempted by government. The costly Millbank prison was erected, and Acts for the welfare of the prisoners were passed,—one for their classification and the separation of the males from the females, and provisions for the better management of the prisons, special enactments for "their cleanliness, ventilation and the proper supply of food, clothing and bedding." These Acts, however, were ignored and neglected by the prison officers, so that the good they were aimed to produce failed of accomplishment. But great and sorely needed reforms seldom fail. Though such recessions and stops occur, they are like those of the advancing tide.

Relief came from a voluntary association of philanthropists composed largely of members of the Society of Friends, who probably got the idea and pattern of their organization, "The Prison Discipline Society," from the Philadelphia Society that has been referred to. The

members of this association, imitating the example of Howard, went up and down the country inspecting prisons, questioning prison officials, and making their lives miserable by the searching questions, indignant remonstrances, and published exposures they made, or threatened to make, of the abuses and mismanagement they discovered. The labors of this association were effective and influential. The celebrated Sir Thomas Fowell Buxton—co-worker with Wilberforce in the abolition of slavery—was a member of this association, and published an able work, "Inquiry into Prison Discipline," which assisted their cause. It was in connection with the efforts of this association of Quakers to improve the condition of prisoners that Mrs. Fry, sister-in-law of Buxton, and a member of their religious body, entered upon and accomplished her remarkable work among the female prisoners of Newgate Prison, London. When, in spite of the dissuasions of the keepers, she first visited their ward, she found it "like a den of wild beasts, swearing, dancing, yelling, and justly deserving its name of 'hell above ground.'" In a short time, by personal intercourse, kindness, and instruction, she tamed those wild, fierce creatures into well-behaved women, changed that "hell" to "a scene where stillness and propriety reigned," got them to work, and effected results so extraordinary that a visit to the Women's Ward of Newgate to behold the marvelous transformation that had been wrought, became one of the fashionable sensations of the day. Through the labors of Buxton and Mrs. Fry and their co-religionists of the Prison Discipline Society, certain important principles for the management of prisons were strongly emphasized and advocated, which in time were enacted into laws.

II. *The Epoch of Improved Prison Legislation (1820-*

40). Among the laws enacted or re-enacted in this period were the following: that only female keepers should have charge of female prisoners; that male and female prisoners should be confined in separate buildings; that prisoners of both sexes should be kept constantly employed—some at “hard labor”; that they should be given school teachers and religious instructors; that the use of fetters or irons, except in cases of urgent necessity, should be forbidden; that besides safe custody it should be deemed essential to guard the prisoner’s health by cleanliness and proper diet, and that his reformation through the moral and religious instruction given him be constantly aimed at and hopefully labored for.

The members of the Prison Discipline Society not only labored perseveringly to obtain these laws, but they strenuously exerted themselves to have them executed. They more and more frequently visited the prisons, to see whether they were observed, and when they found them ignored, they spurred up the delinquent officials and prison authorities by various threats and expostulations.

One great obstacle to general reform was the fact that a large number of prisons lay beyond the reach of the law from belonging to corporations and powerful proprietors, who claimed a vested right in them. A bishop or a great noble might thus hold a prison under his control in which the worst abuses were found but for this reason could not be touched.

Among the various Acts of Parliament that were passed in the Epoch of Improved Prison Legislation, that of 1836 was especially important. It was the result of careful investigations by select committees of the House of Commons and the House of Lords. These investigations were extended across the Atlantic Ocean to the

United States, whose superior methods of prison discipline had been studied with admiration by De Tocqueville and recently published to the world in his "Democracy."

To verify the observations of the distinguished French traveler, and to appropriate what was best in the systems lauded by him, Mr. Crawford, a member of the Committee of the House of Commons, was dispatched to this country. He visited the famous Eastern Penitentiary, completed five years before, and studied "the Pennsylvania System," of complete solitary confinement, employed there. He visited also the penitentiary at Auburn, New York, and studied the "Auburn System," i. e. the silent associated system found there, in which the prisoners labored in association under a rule of silence, but had separate cells at night.

Mr. Crawford was most favorably impressed by the solitary system then in use at the Eastern Penitentiary of Philadelphia, regarding it as "an efficacious mode of prison management," and saying, "If circumstances admitted I could not too strongly advocate its application in Great Britain.... under modifications that would divest seclusion of its harshest character." The *harshness* hinted at by Mr. Crawford was seen in some of the disastrous effects of its application. Auburn had tried the Pennsylvania plan of solitary confinement, but provided no employment for the convicts, the cells not being large enough to permit it. On that account the experiment had failed. The prisoner seeing no one, speaking to no one, and having no work to occupy his mind,—his mind preyed upon itself and grew depressed and moody—his health became impaired, and many became insane. Some relaxation of the isolation used seemed necessary, and out of the need of change Auburn had devised her own

system, of isolation only at night and of association in labor with the rule of silence by day. But in the enforcement of this rule of silence some abuses had been committed to discredit the system. The keepers had used the whip harshly without any check. The quantity of punishment inflicted was according to their brutal pleasure and there was no appeal. Frightful excesses were possible and had actually been committed. Weighing the merits and demerits of the two systems, Mr. Crawford thought the Pennsylvania system the better of the two and so reported. It should be a gratifying fact to us Americans that the prison system eventually adopted by Great Britain, and which has now been in successful operation for several decades, contains features borrowed from both the American systems above mentioned. Both systems were agreed in allotting a separate cell to each prisoner, as Howard had recommended, and isolating him in it by night. And in the three stages into which the sentence of the English convicts is divided according to Captain Maconochie's method of discipline, the first stage—usually short, about nine months,—is one of complete isolation from other prisoners, patterned after the solitary system of the Eastern Penitentiary of that time; and the second—covering the greater part of the period of confinement—after the silent associate labor system of Auburn. The Auburn system of isolation by night and associate labor, worship, meals, and school work has been adopted in most American penitentiaries.

Mr. Crawford's Report, indorsed by the other members of the select Committee, strongly recommended as an imperative necessity the confinement of prisoners in separate cells. The English government adopted this Report with its recommendation, and the article relating

to it is the most notable feature of the Act of 1836. It commanded that the poorly classified congregate mode of keeping the prisoners then existing be replaced by the entire separation of the prisoners except during divine service, labor, and instruction as the best means of preventing contamination.

Besides this important article the Act contained another for the appointment of National Inspectors of the prisons who should ensure the fulfilment of the requirements of the law as to the treatment of the prisoners and prison discipline in general, seeing that wise and good statutes previously enacted had proved a dead letter because they had been neglected or evaded by prison officers. The article in the Act of 1836 in regard to the separation of prisoners was reaffirmed in 1839 with increasing emphasis. There was required for its execution a great increase of prison accommodations and a new style of prison architecture. It naturally led to the next epoch in the history of the Progress of Prison Reform.

III. *The Epoch of New and Improved Prisons (1840-53).* The English government, to furnish a model prison that might be copied by local authorities in different parts of the realm, erected the famous Pentonville prison, opened for use in 1842. Its erection was superintended by Sir Joshua Jebb, who, in view of the fact that it answered the design of presenting a model for the erection of other needed prisons and that in six years fifty-four new prisons were built after its pattern in different parts of the realm, affording 11,000 separate cells, has been called by an English writer "the author and originator of modern prison architecture." But our American penologists hold a different opinion. Mr. M. J. Cassidy, for many years warden of the Eastern Penitentiary, after visiting

Pentonville, and being "taken through the principal parts of the structure," says, "The ground plan is taken from the Philadelphia prison."* This and other testimonies warrant the belief that Mr. Crawford the English Commissioner, admired the prison building he saw in Philadelphia as well as the system of prison discipline there used, and that through his influence the building was adopted as a model for the Pentonville prison. They closely resemble each other in their most important features, and both of them have a resemblance, though not so close, to the *Maison de Force* of Ghent, which Howard visited and admired. We are not far from the truth probably in thinking that modern prison architecture is an evolution from the work of many men rather than the sole or principal invention of one.

IV. *The Epoch of Penal Servitude* (1853-77). "Penal servitude," to adopt an English phrase, is a form of prison discipline devised on account of the failure of transportation. As that failure grew more and more apparent and the clamor against it more vociferous, the English government directed its attention to the discovery of a substitute for it. "The Penal Servitude" system was first announced in 1853, the year after the abolishment of transportation to Van Dieman's Land. This system divided the convict's sentence, or term of punishment, into three parts:—

1. A period of separate, solitary confinement in some penitentiary like Pentonville, combined with industrial employment and moral training—all very much like the solitary system then used in the Eastern Penitentiary.

2. A period of hard labor in association upon public works, such as dockyards, fortifications, harbor improve-

*See Proceedings of the Annual Congress of the National Prison Association for 1891.

ments, the construction of new prisons and other public buildings. Though associated in labor during this time, they labored in silence and were kept in separate cells at night, the discipline of this period resembling that of the Auburn system.

3. A period of conditional freedom, in which the convict was given "a ticket of leave" by the prison authorities, and was allowed, if he behaved himself, to go at large for the unexpired part of his term of sentence. The expectation was, that the reformatory discipline of the first two periods of his term of sentence would be found so effectual that he could be safely released,—that he would show himself now to be an honest man with no disposition to return to a life of crime.

This expectation, however, was to a considerable extent disappointed. Many relapsed into crime and their numbers became so great, and their misdeeds so flagrant (cases of garroting and robbery) that a great public outcry was raised through the newspapers against a system which let loose such incorrigible desperadoes to prey upon society. This outcry led to a special investigation by a Parliamentary commission appointed in 1863.

Singularly enough and happily, another experiment in prison discipline was then being tried in Ireland, whose superior efficiency as shown by its successful results, indicated what was needed to correct the defects of the English system. This experiment in Ireland is known in the history of Penology as "the Irish Prison System." It was inaugurated in Ireland by Captain Walter Crofton (afterwards knighted and made Sir Walter Crofton for his good work), who had been associated at Norfolk Island with Captain Maconochie in his remarkable work there, and had succeeded him as governor of that penal colony,

adopting and successfully carrying out in his own administration the principles and method which Maconochie had originated. The Irish Prison System was largely an adaptation of Maconochie's system to the prison management of Ireland with features similar to those of "the Penal Servitude System of England." Like Maconochie's and the English systems, it divided the prisoner's term of sentence into three stages: (1) a *penal stage* of solitary, separate imprisonment for nine months; (2) a *reformatory stage*, with separation at night, and associated labor on public works by day; (3) a *testing stage*, designed to prove the efficacy of the preceding discipline and to serve as a period of natural training which should prepare the prisoner for full liberty. But to these general features, common to both, Captain Crofton had added to the Irish system special features in method of procedure adopted by him to accomplish the desired aim, which clearly differentiated it from the other and gave it success where the other had failed.

1. The first, or penal, stage, of nine months, passed at Mount Joy prison, near Dublin, was made severe, *benevolently severe*, to emphasize the evil consequences of crime, to make the culprit taste its bitter fruit and deter him from it in future. The cells, in which the prisoners were isolated (after the Pennsylvania method) were bare and cheerless, no ornaments of any kind allowed, and but few comforts and conveniences. The furniture consisted of a bare table and stool chained together and a strong box-like bed, with a board or plank top four inches high, six feet long, and twenty inches wide. This box-bed swings across the cell on hooks about eighteen inches from the floor when in use at night; by day it stands on end against the wall with the bed-clothes folded on top. A

rug on the box-top and two blankets at first make the bed hardly comfortable, but a thin mattress is soon added as the reward of good behavior. A tin wash-basin, a tin drinking-cup, and a tin mess-pan form his only dishes. His food is plain and nutritious, but with no seasoning of salt, pepper, or sauce to make it more palatable.

The work done is easy, such as the making of mats and matting and of coarse shoes and clothing for the prisons and their inmates. They are not overtasked, and there is a gratuity given at the discharge of the prisoner, which, however, may be forfeited by misconduct. The work was designed to preserve them from the demoralizing effect of idleness, and to allow them room for wholesome reflection, which is assisted by the moral and religious teaching given them. The reformation of the convicts was hoped for and constantly labored for in all the stages; and the staff of prison officers, carefully selected, was composed of men who heartily concurred in this endeavor.

2. The second stage was still more reformatory, and expressly called so. It was progressive, like Maconochie's at Norfolk Island. Its course of discipline was divided into three grades. Spike Island, in Queenstown Harbor, was the place where the prison was located in which this stage was passed. The once famous prison, which was the scene where two-thirds of Sir Walter Crofton's system was enacted and achieved its success, is no longer standing. Into the lowest grade of this second stage, the convicts sent hither from Mount Joy Prison when they had accomplished the first stage of their sentence there, were received. They were incited to rise from grade to grade until the highest was reached and successfully passed by industry, study, and good conduct. Those who had no trade, by which, when discharged, they could earn an honest living,

were taught one; they were kept healthfully busy, not overworked, and besides the hope of shortening their term of confinement they were rewarded with a gratuity at their discharge and a recommendation to some place of employment previously secured for them. The incentives used were entirely moral. There was no physical constraint, no flogging, no fetters, or galling irons. Their self-respect was encouraged and fostered, they were treated as men, not as brutes; but their fate was put into their own hands, to rise to the enjoyment of privileges and a speedy release by good conduct, or to remain in their state of privation and unrelieved captivity through their own persistent misbehavior. The mark system, devised and used with such good effect by Captain Maconochie at Norfolk Island, was employed by Captain Crofton to stimulate and measure the progress of the convict.

3. Having reached the third stage of his sentence, the convict enjoyed a semblance of freedom. The scene where this part of his sentence was enacted was Lusk, a rural community twelve miles from Dublin. No fixed locality was necessary or important, provided it were healthful and favorable to his moral amendment. No walls or prison bars confined him; no armed guard prevented his escape if he was disposed to run away; no prison garb showed that he was a convict. There was now no check of social intercourse with his companions. The convicts worked in small parties with their wardens and teachers, as men on farms, or in building a house, work with their bosses. The appearance of servitude was almost entirely avoided. They were permitted to go to church, to attend lectures, to go and come on various errands to the village. Thus the efficacy of their reformatory discipline was tested and they acquired strength and

reliability of character. The length of this third stage was indeterminate, dependent in part on the good conduct and reliability of character shown by the convict, and in part on the ability of the officer, James Organ, who had charge of the place-bureau to find him a situation.

By good behavior during the term of his sentence, the Irish convict, as well as the English convict, then and now, could considerably reduce his term; one year and a month in a term of five years; two years and four months in a term of ten years; three years and seven months in a term of fifteen years. His freedom, however, was not absolute until the very end of his legal sentence. Provided with a license, or ticket of leave, he was allowed to go out *on parole* to work for himself, but he continued under the surveillance of the police, to whom he was required to report every month and whom he promptly notified of any change in his residence, under penalty, in case of neglect or failure, of having his license cancelled and being recommitted to prison. This provision for police surveillance until the end of the term of the convict's sentence was a strong cardinal point in the Irish system. It operated as a great deterrent from relapse into crime. Being photographed, and there being a record of his past offenses kept, any further crime on the part of the convict was almost sure to be detected and visited with severer punishment. The hazard in a return to his old courses, and the dread of the inevitable consequences attending the discovery of it, created a strong motive to abandon them and lead a different life.

The efficiency of the Irish system was shown by its fruits. At the end of ten years from its adoption the total number of discharged prisoners was 4,960. Of these only 12½ per cent relapsed into crime. The remaining 87½ per

cent disappeared entirely from Ireland's criminal class, through having reformed and become respectable citizens, and by emigration, which took away probably a considerable fraction.

The Parliamentary Commission appointed to consider the question, "What is needed to improve the English Prison System?" having before them the example of the Irish Prison System, with its remarkable success, naturally concluded that the thing needed was to incorporate into the English system the special features of the Irish system. This was substantially what they recommended, and this was what was done.

They greatly increased the severity of the first, or penal stage, to deter the convict from future crime; they introduced into the second stage, with its three grades, the mark systems, devised by Maconochie and perfected by Crofton,—to stimulate his efforts to rise; they added to the third stage, with its final parole under a ticket of leave, police supervision to the end of his term and assistance to secure immediately when discharged from custody a situation in which the convict could earn his own living by honest work. This last function, performed so successfully by Mr. Organ under the Irish system, is deemed indispensable among the measures of reform. If a prison has no officer to whom it is especially assigned, it should have its "Prisoners' Aid Association" or "Prison Gate Mission."

The English prison system, thus modified and strengthened in 1864, has come down with but few alterations to the present time. Its success has been remarkable. From the time of its adoption in 1864 to 1885 the average yearly number sentenced to penal servitude went down one-half, though the population of the country had in-

creased, meanwhile, from 20,000,000 to 26,000,00. This falling off was due chiefly to four things:—

1. To the deterrent and reformatory effect of her revised prison system, the successful operation of which, however, was largely due to the excellent staff of officials in charge of it. "The first care," Howard said in his recommendations for the improvement of England's prisons, "must be to find a good man for a jailor—one that is honest, active, and humane." The experience of mankind in prison management confirms the wisdom of this requirement: the most eminent penologists agree in respect to it.

"From the time when the English government took seriously in hand the reform of the prison system (says Sir Edmund Du Cane) their efforts have been directed to forming a good staff of officers as a matter of the first consequence, and *these appointments have never been considered the subject of political patronage or private interest* (my italics). This feature might indeed be considered one of the leading characteristics of the English prison system, and to which it owes in great measure its success."* Such a staff of officers ensures a better administration of the prisons. "My observation of European prisons," says General Roeliff Brinkerhoff, "brings me to the conclusion that whatever superiority they have over us is due to a superior administration."

2. The efficiency of her judicial system in the administration of justice, by which crimes against property and person are promptly investigated and punished upon conviction. Her laws and judges do not tolerate the challenging of jurors for small cause, or no cause, and facility of appeal from court to court such as we are too

*The Punishment and Prevention of Crime, p. 187.

familiar with in this country. The cost, procrastination, and weariness thus encountered, defeat the purpose of our courts, and encourage in criminals the hope of escaping punishment. This emboldens to crime, while certainty and swiftness of punishment tend greatly to repress it.

3. The influence of reformatories and industrial schools. These sprang into existence nearly all over England during the decade preceding that in which the English government was wrestling with the problem of effective treatment of crime. The rise of these schools was due mainly to the efforts of Mr. Barwick Baker of Hardwicke Court, Gloucestershire, assisted by Mr. George Bengough, a young man of fortune with an income of £10,000 a year. With a philanthropic spirit like that of John Howard, this young man offered himself as a helper in the enterprise of starting a reformatory school in 1852 for juvenile criminals on Mr. Baker's estate. Mr. Bengough became a teacher of the boys, living with them as their companion and friend. The method employed was moral and industrial. They sought out the leaders among the bad boys, and bestowed upon them special attention. For some time the work was carried on almost secretly on account of their misgivings as to their success. Soon it attracted attention and many visitors,—among them members of Parliament. A paragraph in regard to its work and amazing success appeared in the *London Times*. The fame of it was thus spread abroad, and similar schools were started in every county in England, with the result that between 1856 and 1862 there was a reduction made in the number of juvenile offenders of six thousand a year, which soon was followed by the great diminution of adult criminals reported as attendant upon the newly reorganized prison system, whose success,

however, unquestionably was assisted by the reformatory and industrial schools thus recently started.*

4. A more earnest effort on the part of prison officials and voluntary benevolent associations cooperating with them, to aid discharged prisoners. Every English prison has its "Aid Society" or "Prison Gate Mission." There are more than seventy of these in England. They have been found exceedingly effective in the work of saving the convict. A forlorn outcast, handicapped by the weight of shame and distrust resting upon him, his efforts to earn an honest living baffled at every step, unless he can soon find a friend to help and encourage him, he is driven to begging, or starvation, or stealing, or suicide. Such a friend, many tongued and influential, the Prisoner's Aid Society or Prison Gate Mission offers him. It does not wait until the wretched man knocks at its door. It anticipates his sorry plight, knows before his discharge when he will come out of prison, what needs to be done, and is ready to receive, befriend, and aid him. The aid given is seldom pecuniary, but such as is found in a chance to work, or a temporary home until such a chance is found, and in personal interest, sympathy, and counsel.

One more crowning epoch remains to be spoken of:

V. *The Epoch of Centralized Management by the National Government.* During the progress of Prison Reform through the century the efforts of the government through its various Acts of Parliament to improve the condition of prisons and their discipline had been frustrated by the neglect of jailors and the diversity of practice existing in different jails and prisons from their being under the management of local authorities. Owing to

*See T. Barwick Baker, *War with Crime* (Longmans, Green, and Company).

this cause there were many and wide differences among them as regards construction, diet, labor, and general discipline, resulting in an inequality, uncertainty, and inefficiency of the correction given that was mischievous. The separation of prisoners was not universal nor their classification careful. In some localities they were allowed to associate together, old hardened culprits and young reclaimable offenders, with the inevitable corrupting effect; the punishment was light, the dread of it small, and crime, instead of bearing a merited stigma of disgrace, was gloried in and flourished unchecked. In other places the treatment was harsh and brutal, and the prisoners, feeling that they were cruelly and unjustly treated, had every impulse to penitence and reform extinguished in the burning desire to avenge their wrongs upon general society or the particular community that had inflicted them.

These considerations led to the enactment in 1877 of a Prison Bill which placed all the jails and prisons of the realm under the control of a Prison Commission appointed by and responsible to the Home Secretary. The Commissioners were given power to close superfluous prisons; to establish in all one system of discipline; to introduce and maintain such uniformity in cellular separation, diet, labor, and treatment as would make the discipline of the prisoners uniform in all; and to introduce such means of moral improvement and industrial training as the most approved experience might suggest.

This concentration of the administration of prisons within the hands of a Prison Commission responsible to the Home Secretary furnished the various Prison Acts with an efficient executive, and has resulted in a great amelioration of the condition and management of the prisons. The prison officers have been improved by more

careful selection and vigilant supervision, the prison discipline made more effective, the repression of crime more successful, and the prison system of England, for these reasons, the most efficient on the whole, probably, of any in the world.

This Act, passed in 1877, just one hundred years after the publication of Howard's book on "The State of Prisons in England," completed the work of Prison Reform which Howard there advocated. The principal recommendations he advised in regard to the classification and separation of prisoners, and the construction of prisons providing for this separation; in regard to their employment in useful labor, and being taught trades, if they had none, to enable them to earn an honest living; that good conduct be rewarded by an abridgment of the term of sentence; that the true purpose of penal treatment should be to reform the criminal and protect society from his misdeeds rather than to punish him; that a kind and humane treatment combined with moral and religious instruction is more likely to secure his reformation than harsh treatment; and that the prison officers be good men, carefully selected for their fitness to perform their delicate duties, whose tenure of office shall not be disturbed by anything except incapacity and misconduct,—these have come to be recognized as fundamental principles of penology and observed in the administration not only of English prisons but of all well managed prisons in the civilized world.

To secure this good result, how long and weary has been the way traversed, how pathetic the scenes presented in the course of it, and how honorable to human nature the heroism, the patience and perseverance, the self-denying efforts and labors required to accomplish it! May they not be made vain through the forgetfulness or care-

lessness of those charged with the obligation to keep unimpaired, and improve, if possible, the good they have inherited.

CRIME IN THE UNITED STATES REFORMS DEMANDED.

One naturally inquires, after reading the story of the Progress of Prison Reform in Great Britain, what our success has been in this country in the same line of endeavor—whether our treatment of criminals has been wise and our efforts to repress crime have been crowned with equally good and adequate results. In view of the advanced position of this country in prison management in the early part of the last century, as the result of Howard's philanthropic work, one would think and expect that our prison system would be found among the best in the world, and that our success in the treatment of criminals and the repression of crime would appear to be second to none.

In this expectation the inquirer would be both right and wrong. We have admirable prisons and efficient methods of prison management in a considerable number of our States; but these have been associated with and hindered by serious defects in their laws and the administration of justice, so that in our practical dealing with the problem of crime, take the country as a whole, the highest wisdom has been coupled with stupendous folly. Consequently our country has not fulfilled its early promise of dealing successfully with the criminal class. Accepting as true the declaration of the late General R. Brinkerhoff, of Mansfield, Ohio, the former President of the National

Prison Association, and, by reason of his long study and extensive investigations of the problem of crime, one of the highest authorities upon the subject, the United States has yet a long way to go before she comes up to England in her endeavors to check the prevalence of crime. "During the first half of the nineteenth century," says General Brinkerhoff, "the United States was in advance of all other nations in prison management. Since then we have fallen behind, and other nations, having adopted all that was best in our methods and system, have added large improvements of their own."* While in Great Britain there has been a great and steady decrease—nearly one-half—within the last fifty years, in the number of criminals (for reasons given in the previous chapter), though her population has increased fifty per cent in this period, in the United States there has been during this time a vast and appalling increase at a ratio exceeding that of the population. As evidence of this, we present a few facts. In 1860, the inmates of our state prisons were as 1 to 1647 of the population of the whole country; in 1870, 1 to 1171; in 1880, 1 to 855; in 1890, 1 to 760; and in 1900, 1 to 720. In view of these figures and the increase of population down to the latest census, it is safe to say that there are two and one-half times as many convicts, in proportion to population, in our prisons as half a century ago.

We lead the world in crime, and in the immunity of our criminals from punishment because of the defects in our laws. In this country, "250,000 persons whom the law never touches," Mr. H. C. Weir says,† "are engaged in the systematic pursuit of crime..... There are four and a half times as many murders for every million of our population

*Encyc. Brit. (Am. Sup.)

†Quoted in Literary Digest, February 12, 1910, p. 267.

today as there were twenty years ago..... Ten thousand persons are murdered in this country every year; and of the murderers only two in every one hundred are punished. Three hundred thousand persons have taken part in lynchings in this country in the last forty years." Judge George C. Holt of the United States District Court of New York, recently said, "The tendency to mob violence and the extent of unpunished crime which exist in this country is today the greatest menace to American society."* The thug and the thief and the highwayman operate with a boldness here unparalleled elsewhere, and these crimes are increasing in the land. In short, we have indubitable proof that in the last half-century the flood of crime has been rapidly rising; it has submerged the land more and more, so that there is less safety now for person and property than formerly. The reasons for this demand attention.

CAUSES OF CRIME.

1. *The demoralizing influence of the Civil War.* War is usually demoralizing. It familiarizes men with deeds of violence, with acts of spoliation, and with shameless robbery; and it produces a class of men who are readily drawn to the commission of lawless acts under the influence of temptation and passion.

2. *Unrestricted foreign immigration.* Among the immigrants of the last fifty years there has been a large

*In a paper before the State Bar Association of Wisconsin on June 29, 1910, at Milwaukee afterward published in the Independent (New York) August 11, 1910, as an article entitled "Unpunished Crime in United States."

infusion of the baser soil. The increasing tide has grown turbid from undesirable elements. A large number of paupers, criminals, anarchists, and other desperate and degraded people have been found among them. In the reports of crime which fill the papers there is a large number of outlandish names. They do not make desirable citizens. The theory long held by our American statesmen and politicians, that our power of assimilation was so great that we were capable, by our common schools and social and civil intercourse, of converting into good citizens, all sorts of people and any number of them that might come to us, has been carried rather too far—so far as to prove a delusion and a snare. To a considerable extent true, it nevertheless needed some qualification. Henry Ward Beecher correctly stated the truth about the matter when he said: "The lion may devour an ox, eat and digest a huge meal, and if the ox be sound and healthy, the lion will be stronger for it; but if the ox be diseased, the lion is made a sick lion." Our country is now such a sick lion. The immigration of recent years has given him meat that was both diseased and "tough," and this has been too much for his digestion.

The acts of restriction lately passed by the government did not come too soon. It would have been better for us if they had come earlier.

3. *The dissemination among the people of socialistic ideas of anarchistic trend.* The crowds that often hear the sand-lot and street orators' bitter arraignment of capital and its oppression of the poor, i. e. that trust companies and savings-banks and industrial corporations are all organizations to rob the poor, that accumulations of wealth and the possessions of the rich are but examples

of successful robbery; that their incomes from rents, loans, and stock companies of every kind are all tainted with fraud and oppression; that property of all kinds from which income is derived should be confiscated to the state and managed for the benefit of all; and that then every man's income should be limited to his actual earnings without regard to his ancestral inheritance or his intellectual ability—the crowds that hear these things without the ability to detect the fallacious sophistries that spoil their soundness are corrupted by them.

Such ideas are not harmless: they do not evaporate into the air and become lost to existence, like the sound of the voices that express them. Ideas are vital seed from which harvests of action and conduct spring. They produce fruit after their kind—a harvest of crime and misery, if pernicious. These socialistic ideas have been to our land like the fabled dragon's teeth from which there sprung armed men. Scarcely a year has passed in the last decade during which some of the States of our Republic have not been shaken with their strife, riot, and savage violence.

4. *Yellow journalism.* This phrase signifies the practice of those newspapers which do not limit what they publish to "the things fit to print." It describes the journalism that caters to the appetites of those who delight in feeding upon the sensational events of the day, and crave full description and all the details of the crimes and scandals and misdoings that occur. It tries to stimulate the curiosity and interest of the millions—of boys and girls, of men and women, of all classes—by its glaring headlines, its pictures, and its various representations of the things reported. The effect upon their readers is not wholesome; they suggest to them similar acts of wickedness to those

described. The children imitate them in play: the boys and young men rehearse them on the streets and playgrounds, and oftentimes test the correctness and daring and adventurous excitement of the scenes enacted by actual attempts at highway robbery on the streets and railroads trains, and at breaking into stores and dwelling-houses that invite them to burglary.

5. *Lack of industrial education and training.* In the early part of the last century almost every girl was carefully instructed and trained by her mother in the arts of domestic economy and housewifery, and almost every boy was brought up by his father to some trade, business, or profession, whereby he might earn an honest living. This was deemed so necessary that it became a proverb, that "the father who permits his son to grow up without a trade makes him a thief." It was generally thought that the richest as well as the poorest should provide his sons with this means of support. In this world of chance and change no fortune is secure. The rich of today may be numbered among the poor of tomorrow, and compelled to earn his bread by the labor of his hands or brain. And even if this necessity should never arise, it were well to have some good vocation in which to exercise one's powers and usefully spend one's time. It is a safeguard from rust, ennui, or temptations to corrupting wickedness. The idle rich are apt to be "undesirable citizens." "Talk of the dangerous classes," said the Seventh Earl of Shaftesbury, "the dangerous classes in England are not the people (*i. e.* the proletariat). The dangerous classes are the lazy ecclesiastics, of which there are thousands in England, or the rich who do no good with their money." As the country has increased in wealth the pride and expectation of it have produced a large class of idle, incompetent

people who have grown up without any trade or habits of productive, self-supporting industry. The evil has been augmented by the selfish and cruel policy of many trade-unions of limiting the number of apprentices permitted to learn their trades. This number reached, not even a member of the trade has been allowed by the tyrannous rule to teach and train up his own son in it. As a consequence many have failed to acquire that best equipment for life for the children of the people—a good trade and a habit of industry.

The statistics of our prisons prove this. A large majority of their inmates are found at their incarceration to have no respectable legitimate means of making a living. Of those employed at trades while in prison, fully eighty per cent acquire their knowledge of them in prison. This fact has shown the relation between the lack of industrial training and crime to be so close and inevitable that technical schools and industrial education for all classes have recently been established and insisted upon as preventative remedies in all parts of the land. These remedies cannot be too highly extolled, nor too rigidly and diligently applied. The laws should enforce their use by all children of school age and during attendance upon the schools.

6. *Defective administration of criminal law.* "It is not too much to say," President Taft asserts, "that the administration of criminal law in this country is a disgrace to our civilization, and that the prevalence of crime and fraud, which here is greatly in excess of that in European countries, is due largely to the failure of the law and its administrators to bring criminals to justice."*

This failure arises largely from undue delay in the

*Address in Chicago, September 16, 1909.

trial of cases, caused by too great liberty of challenge in the choice of juries, by the permission of appeal for little or no adequate reason, and by the slavish adherence to technicalities in the law that are of no real importance.

In the trial of one Gilhooly, at Chicago, a few years ago, for assault upon men whom he had been hired to slug by the strikers, out of 1929 venire-men examined to secure a jury, 1,100 were rejected and over two months were occupied in the process of selection, the first jurors chosen being held virtually as prisoners during those weeks before the completed jury entered upon their duties. "Under our present system," truthfully says Judge Holt, "the punishment of crime is a sort of lottery."

In England the administration of the criminal law is not blocked by any such absurd obstructions. It is prompt and quickly despatched, and the criminal is more likely to receive his deserts because sentence for his misdeeds soon follows their commission, before the demand for his punishment is weakened by delay. The wholesome terror of justice is almost destroyed when the law and the lawyers cheat her of her due. Those lawyers who do this are aiders and abettors of crime. The provisions of the law which they have contrived and had enacted for the protection of those under arrest are too often detrimental to the security of society. They are so when by means of them the guilty is allowed to get clear. Let him have a fair trial, but no chance of appeal when he has had it, and no permission through his legal defender to challenge and exclude from the jury *ad libitum* honorable men sworn to give a verdict according to the evidence, though they have read the newspapers. Any opinions that may have been thus received can be changed, and are easily changed, by evidence to the contrary. A premium

is offered to ignorance and stupidity when an intelligent man is excluded from a jury because he has received some notion by hearsay or newspaper report of the case to be tried. The safeguards and legal contrivances which allow many criminals to escape lest one innocent person might occasionally be condemned, or which produce great unnecessary delay in the conviction and punishment of the guilty and enormously increase the expense of trial, until an aroused public sentiment against flagrant wrong has cooled into indifference and an inclination developed to let it go unpunished, resulting in an uncertainty or improbability of conviction, no matter how strong the case against him or clear his guilt,—these give immunity to crime and destroy the deterrent influence of its threatened penalty.

7. *Excessive indulgence in the treatment of convicted criminals.* In the just reaction produced from barbarous and cruel treatment formerly given to the inmates of the prisons, more gentle prison officials and zealous reformers have possibly gone too far. This is the opinion, at least, of observant and thoughtful penologists.

Mr. William P. Andrews, clerk of the Criminal Court, Salem, Massachusetts, charges philanthropic prison reformers and sentimentalists with the serious mischief of increasing crime two or threefold in this country, in the recent decades, by their extravagant theories and lenient methods.* If the charge be true, they have sacrificed the good of society and imperiled the welfare of the nation for the criminal class. English observers of our reformatory prisons express a similar opinion. Mr. William Tallack, Secretary of the Howard Association, London, calls†

*Forum vol. xii. pp. 223-237; vol. xiii. pp. 232-245.

†Penological and Preventive Principles. London: Wertheimer, Lea and Company.

these prisons "the hotel and collegiate prisons of the United States," because of their comfort, liberal diet, and costly extensive educational equipment. And he says, "The whole class of criminals and vagrants in America are treated with a leniency which is positively cruel to the honest community, inasmuch as this course tends to remove the dread of evil." "It has been abundantly proved by European experience," he says, "that it is dangerous to render crime attractive by rewarding its perpetrators with privileges not attainable by honest laborers." Many examples have been found of men who repeatedly commit crime with a view to being arrested and put in prison, where they get better fare and more comfortable lodgings than they could easily earn for themselves by their own labor out of prison; many, also, who have been unwilling to accept a pardon and release from prison because liberty was attended with loss of ease and comfort.

8. *Traffic in strong drink.* Some liquor saloon is connected with almost every crime committed, either as the place where it was conceived and planned, or where its perpetrators met by appointment to perfect their arrangements and to stimulate themselves through its strong drink to the reckless daring necessary to its commission. Though students of sociology differ as to the extent in which the use of strong drink causes crime, some believing with Mr. Francis Peek,* that seventy-five per cent of it is due to this; others doubting, with Chaplain Albert, of the Stillwater State Prison, Minnesota, "whether drink is the actual primal cause of twenty-five per cent or even twenty per cent of the crime committed," there can be no question of its malign influence in this direction.

*Social Wreckage.

9. *Our pernicious and corrupting jail system.* In most of our jails the prisoners are herded together promiscuously, old crooks and young offenders, those convicted of crimes and those only held for trial who may be found guiltless, as they used to be in England in the days of John Howard, on account of which he said they were "houses of corruption" instead of "houses of correction," and as they continued to be with but slight modification down to 1877. Prisoners thus herded together are always schools of vice and crime. All writers upon penology are agreed in this opinion, and would indorse, undoubtedly, the statement made by Rutherford B. Hayes, former President of the United States, after his retirement from political office, while president of the National Prison Association: "The county jail system of the United States is a disgrace to civilization, and until the construction and management of these places are radically changed, so that contaminating intercourse among the prisoners is rendered impossible, the administration of justice cannot be freed from the charge of maintaining schools of crime."

10. *Unwise treatment of juvenile criminals.* Not until recent years has there been sufficient difference made between the treatment given them and that given to adult persons of wider knowledge and experience. They have been treated too much alike, the judges not distinguishing between the guilt that is still in the gristle of youth and that which is in the hardened bone of maturity. As a result the judges have passed sentences upon them that put them into jails that were schools of crime, and give them for associates men practised in wickedness, who delighted to tell of their criminal exploits and invested these misdeeds with a false and attractive glamor as if they were acts of heroism. As well might they plunge

those lads into the dirty waters of a sewer to cleanse them of physical filth as to think thus of correcting their misdemeanors. "If," says Miss Dorothy Dix, "it were the deliberate purpose to establish criminals in all that is evil and to root out the last remains of virtuous inclination, this purpose could not be more effectually accomplished."

11. *Disturbed social and economic conditions of recent years.* Examples are seen in the race antagonisms, with their exhibitions of fury and lynchings; in the labor troubles, with their strikes, lockouts, and attendant deeds of violence and outrage against person and property; and in the occasional stagnation of business and suspension of work in factories and other places of labor, by reason of which large numbers of people are thrown out of employment. A few years ago Eugene Debs "offered to muster 50,000 honest laboring-men, idle and hungry, in Chicago; and Henry George said that in New York there were 68,000 idle working-men ahungered. Beyond all doubt the great army of criminals is recruited largely from this mass of idle humanity.....the list of suicides swollen, the great army of tramps kept on a war footing, and last, but not least, the cause of anarchy is aided, abetted, and strengthened."* Under such conditions society is like a volcano on the verge of eruption. The mutterings and heavings of discontent are heard, and lawlessness increases. The restraint of law to angry and desperate men under these circumstances is like that of Delilah's withes binding the hands of an aroused Samson. If this savage mood continue long and the lawlessness spread and become chronic, the control of the state ceases, and life in our land is robbed of its security, happiness, and chief attractions.

*Speech of F. E. Daniel, M. D., Proceedings of the National Prison Association, 1897, p. 123.

12. *The possession and use of firearms.* If there are any laws against the free sale of these weapons, they seem to be futile. Any one, apparently, no matter how suspicious his character, may buy and use them. Burglars, highwaymen, assassins, lunatics, all carry them, and as a means of robbery, murder, and homicide they are ready to the hand, and used under the stress of temptation, provocation, and excitement. There can be no question but they continually facilitate and tempt to crime.

GROUND OF ENCOURAGEMENT

Our case in this country, however, is not wholly dark, nor without encouraging signs of a brighter day near at hand.

1. *Some good and well-managed prisons.* Excepting the county jails, with their promiscuous association of prisoners and its contaminating effect, our prisons are generally reformatory in their operation. They are well adapted by their construction, equipment, and administration to accomplish the purpose of their erection—the repression and cure of crime. The prison at Elmira, New York, in particular, has made itself celebrated the world over for its wise and successful management. Mr. Z. Brockway, its distinguished superintendent for twenty-five years from its opening in 1877, put a stamp upon it that made it the admiration of the world. Besides adopting the best features of the Irish and English prison systems—marking, grading, and parole for good conduct—he added those of indeterminate sentence, industrial and educational training, and careful attention to moral and physical development. Though Elmira prison belongs to the class of “hotel and collegiate prisons” referred to

by Mr. William Tallack (because Mr. Brockway and the Prison Board of Managers of New York thought it best not to make this prison like the ill-furnished and comfortless prisons found in England), he was able to show as large a per cent of reformed men among its discharged convicts as could be shown by any prison in England. And, though it is assumed, it remains to be proved that a hard plank to sleep on and the coarsest and most meager fare are superior in their moral and deterrent effect to a straw or husk mattress and a more savory and generous fare. In the experience of mankind, kindness has proved more reformatory than harshness, and gratitude more potent than fear in producing a change of heart for the better, and enlightenment of mind and improved health of body a better guarantee of good conduct than ignorance and physical degeneracy. The Elmira prison management has been shaped by these considerations with satisfactory results, and the example of it has been a wholesome leaven in the land. Through its influence other prisons have been largely regulated—those of Massachusetts, Ohio, Illinois, Michigan, and other States.

2. *Intelligent appreciation of the problem of crime in this country.* The subject pervades our social atmosphere. A large number of people here have studied, and are studying it profoundly and with increasing zeal. The National Prison Association, including in its membership, besides the wardens and chaplains of the prisons, distinguished men of letters, statesmen, and scholars, holds annual conventions, quite numerous attended, at which valuable papers are read and able discussions follow upon every phase of prison management and every question relating to the causes and cure of crime. The published proceedings of these conventions and of the

National Conference of Charities and Corrections form a most valuable part of the literature of penology and charity—a very thesaurus of information and of scientific knowledge. These annual conventions and their published proceedings and the independent labors of Charles Dudley Warner, Doctors E. C. and F. H. Wines, General Brinkerhoff, and others, who may be regarded as specialists in this line of study, and have ably written upon it, soon or late must yield great practical results. A good harvest will certainly spring from the abundant seed sown. It has already begun to appear. They have raised penology to the dignity of a science. Instead of being an undefined region, where maudlin sentimentalists idly roam about to no good purpose, it is a carefully surveyed and thoroughly explored field, the metes and bounds of which, its possibilities and actual resources, are well understood. "The fundamental principles of penology," says General Brinkerhoff, "are now as well established as those of any other science; their application in England, and in particular prisons like Elmira, New York, Concord, Massachusetts, and Mansfield, Ohio, has shown that crime can be so dealt with that, instead of increasing, it will steadily diminish and a large per cent of the criminals imprisoned may be reclaimed (fully 80 per cent)."

FUNDAMENTAL PRINCIPLES OF PENOLOGY.

1. That the purpose of penal treatment is twofold—the protection of society from the mischief of criminals by the deterrent influence of their incarceration and punishment, and the reformation of the criminals.

2. That certainty and promptness of punishment are most effective in deterring men from crime, while

procrastination in the administration of justice and the hope thus encouraged of escaping punishment is a fruitful cause of crime.

3. That to prevent corrupting contamination among the prisoners, they should be carefully classified and allowed as little free association as possible.

4. That moral and religious instruction, with constant appeal to hope and his better sentiments, should be diligently used and chiefly relied on for the convict's reformation.

5. That all able-bodied prisoners should be kept at productive labor and receive, if possible, such educational and industrial training as will enable them when discharged to earn an honest living.

The ideal reformatory should have connected with it workshops and industrial classes in which good trades are taught, and each inmate be required to attain a degree of skill in some one of them before he is released, so that then he may find remunerative employment. Incidentally a habit of labor will thus be developed, which is quite as important as the technical knowledge and skill acquired in the trade chosen.

6. That all sentences for crime, instead of being for fixed periods of five, seven, ten or fifteen years, should be "indeterminate," and the prisoner held in confinement until he gives evidence of a real reformation, so that he can be allowed to go free without damage to society. The indeterminate feature is an incentive to good behavior for the sake of speedier release.

7. That at his discharge the convict should be systematically aided by a competent state officer like Mr. Organ, of the Irish Prison System, or by an organization like the Volunteers of America, now under the direction

of Ballington Booth and his gifted wife, or the Prison Gate and Prisoners' Aid Societies of England, to find employment and receive such other assistance as may be necessary to set him firmly on his feet and enable him to go alone.

8. Incurrible criminals should never be released.

If they will not reform, they should, for the protection of society from their attacks, be deprived of their liberty like insane persons.

9. Prison officials should be picked men (answering to John Howard's famous description, "a good man for a jailor, honest, active, and humane"), thoroughly competent by previous training for their duties, like army and navy officials.

Special schools for their training like those of France are much needed in this country.

10. Prison officers should come under the Civil Service rules—"appointed after careful examination," "not disturbed in their tenure of office by political changes," and "holding their positions during good behavior and efficiency."

These ten principles, now generally familiar, firmly believed, and accepted by careful students and leaders of thought in regard to the problem of crime, have entered as posts and beams of construction into the ideal system of penology which beckons us onward with constant hope into that fair future where our ideals shall be realized.

What is manifestly lacking for its realization? In other words, what practical changes are demanded in our social life and our dealing with criminals for a more successful war with crime? A careful consideration of the causes of crime that have been mentioned, and of the

principles that should govern our treatment of criminals suggests some important things to be done.

In the war with crime, says Tallack three things, "must be maintained in unintermitting activity, Prevention, Repression, and Reformation."

MEASURES OF PREVENTION

Remedies fitted to cope with the causes of crime spoken of are obvious measures of this sort. Filter most carefully the stream of immigration; limit the freedom of the press to the publication of "only such things as are fit to print;" encourage, more and more, industrial education, and provide adequate means for it in the public school system and through well-equipped technical schools; increase the deterrent influence of criminal law by a more efficient administration of it; make the prisons and jails a terror to evil-doers because of their discomfort, confinement, and disgrace; continue to prosecute the war against liquor saloons with unrelaxing vigor. In regard to disturbed social and economic conditions, we can say only this: Let the American people study their causes with candor and patience and try to solve justly the questions involved as the occasions arise. When opposing interests clash, insist that peace and mutual regard for each other's rights under the laws of the land be observed by both sides. Lawlessness cannot be tolerated without endangering the stability of the government and the general welfare. If we are to have a country worth living in, we must defend the state from violations of its authority by any class, and insist that its laws shall be respected by all.

Besides the foregoing, three things in the way of prevention seem to be especially important.

1. *Disinfect and purify the breeding-places of crime.* Four of these especially call for attention: bad homes; bad neighborhoods; street gangs; and the common jail. Many homes and neighborhoods into which children are born and grow up are so wretched and poisoned with corrupting influences that these children seem to be doomed from their birth to a life of infamy. They imbibe it with their mothers' milk and with their fathers' voices and with the air they breathe. Say not, however, in pessimistic despair, of the child of such a home and such a neighborhood, "He is the son of his parents, the victim of his circumstances: his doom is writ." Rather multiply and bring to bear upon him the saving influences of religion as represented in the Sunday-school, the neighborhood mission, the kindergarten, the Boy Scouts, the Salvation Army, and the social settlement. The power of choice remains to the child in spite of adverse conditions, and he may exercise this sovereign power aright under the influence of the good teachers and guides which religion and philanthropy give him.

One summer, many years ago, the writer tented at Mount Desert, Maine, with some friends, beside a stream that ran with a strong and noisy current into the sea near by. Twice daily its noise was hushed, and its current checked and reversed, by the might of the oceans' tide which the attraction of the heavenly moon produced. So the baleful stream of tendencies in a misbegotten child may be reversed by the heavenly power invoked by his teachers.

"The kindergarten," says General Brinkerhoff, "whenever tested under proper conditions, has shown itself of the highest value in the formation of character and in the prevention of crime. In San Francisco, where the

kindergarten has had its earliest and highest development, and in which over 20,000 children were trained in the sixteen years from 1880 to 1896, it practically revolutionized some of the darkest wards of the city, and the chief of police reported that in eleven years out of 8,000 arrests of juvenile delinquents only one had graduated from the kindergartens." The rescue work of the Boy Scouts and of the Salvation Army in the streets and tenement-houses of the slums is like that of the angels that saved Lot's daughters from Sodom; and the influence of the social settlements in those parts of our American cities is analogous to the quickening power of irrigating streams upon a desert. The social settlement, in fact, like the religious mission of Jerry McAuley and S. H. Hadley in Water Street, New York City, puts a new, potent social heaven into the morally dead, inert mass of those neighborhoods with transforming effect. The beginnings of a wholesome spiritual and civic life soon spring up and spread. The story of them is like an epic poem.

In many towns and cities, gangs of boys and young men consort together in certain streets and neighborhoods for various purposes, some of them obviously mischievous, as they result in actual offenses against property and persons. They have their haunts and dens in unoccupied barns, cellars, and out-of-the-way places, to which they bring for feasting the plunder of orchards, fruit-stores, hen-coops, and such petty stealings as their streets and their own homes may tempt them to. Such gangs cannot be too soon broken up and scattered. They are schools of wickedness and crime. A good magistrate with the coöperation of a few faithful, vigilant policemen may do much to break them up; and, better still, organizers of Boy Scouts, the workers in the social settlements, and

teachers in the night schools, by alluring them to their social rooms and classes, and giving to them their friendship and direction to something better.

Of the bad influence of our common jail as a breeding-place of crime, but little more need be said. It has been appropriately called "a toboggan-slide into hell." Separation from corrupting associates and environment is a most important preventative or safeguard from crime. Keep away the unspoiled child from evil companions and play-mates. Keep separate, also, from old and hardened offenders the youth who has committed his first offense and is filled with remorse and shame on account of it. The worst thing that can be done with a juvenile offender of this sort is to send him to jail and put him in the common room with hardened criminals. A month in their society is likely to ruin him utterly. The judge who sends him to jail, if he foresees the effect of it, is *particeps criminis* in the mischief done by him afterwards. The heart of an upright judge recoils from such a perversion of his office and such cruel injustice to the young offender.

As a result, the establishment of juvenile courts in recent years, in the conduct and advocacy of which Judge Ben B. Lindsey, of Denver, Colorado, and Judge Julian W. Mack, of Chicago, have been particularly prominent, has become a new and important feature in the administration of justice in our land.*

This came none too soon. But we should not look upon it as a substitute for the jail system or as allowing us to permit its continuance. That is indefensible. No

*For an account of the methods and work of the Juvenile Court, see paper of Judge Mack, with following discussion, in Conference of Charities and Correction, Richmond, Virginia, 1908.

matter how costly the effort, nothing should satisfy the American public conscience but jails, like those now used in Great Britain, where the prisoners, whether serving short sentences or only awaiting trial, are kept separate from one another. Whether the inmate of the common jail be man or boy, if he has any inclination to a life of crime, it is aggravated, not corrected, by his incarceration, and one has justly said that his imprisonment and association there with others similarly disposed is "as senseless as it would be to tie up a mad dog for a certain period and then turn him loose with a fiercer madness." In 135 American cities there were, in 1900, 700,000 arrests. Nearly all of them were incarcerated for a longer or shorter time in common jails and houses of correction, coming out of them, not morally improved nor reformed, but confirmed in their propensity to crime. No doubt the common jails of our country are prolific breeding-places of crime.

2. *Supervise the amusements of the young.* Parents and teachers, when possible, should be their companions in them. We have said that yellow journalism often corrupts the sports of childhood and youth by suggesting to them, for their imitation in play, the crimes it depicts, so that they rehearse them on the streets and playgrounds, and sometimes are tempted to repeat in earnest the misdeeds thus enacted. One may overhear these mimic rehearsals of crime by children at play. The children, however, must be given their playtimes, and we should be slow to frown upon their innocent sports. By associating with them in their sports, parents and teachers are likely to keep them innocent, and prevent their running on to unseasonable hours.

The children's play at nightfall has been celebrated in poetry and song, and many delightful memories and

associations connected with it exist in our minds. Eugene Field, in one of the most charming of his poems, "Hi-Spi," has given beautiful expression to these associations:—

"Strange that the city thoroughfare,
Noisy and bustling all the day,
Should with the night renounce its care
And lend itself to children's play!

"Oh, girls are girls and boys are boys
And have been so since Abel's birth,
And shall be so till dolls and toys
Are with the children swept from earth,

"The self-same sport that crowns the day
Of many a Syrian shepherd's son
Beguiles the little lads at play
By night in stately Babylon.

"I hear their voices in the street,
Yet 'tis so different now from then!
Come, brother, from your winding-sheet,
And let us two be boys again."

This poem presents to us a scene of idyllic innocence. It may be paralleled sometimes in a good, pure neighborhood whose children have well-regulated homes and good parents who associate themselves with their children in the play, and summon them away from it betimes. Rarely however, is it good or safe for children to be allowed to prolong their play much after dark, and linger there in the street for talk afterwards: no more than it is good or safe to consent to our sons and daughters going to moving-

picture shows unattended, or frequenting public dance-halls for promiscuous dancing with persons of unknown character and doubtful reputation. Exposure to intimacy with such associates is very likely to prove corrupting. It would be well, therefore, if a curfew-bell in our towns and villages might ring all children under twelve to their homes from the streets as early as eight o'clock in the evening.

3. *Strictly regulate the sale of "guns" and revolvers.* Let none possess them or carry them except policemen, constables, sheriffs, and soldiers. Have every weapon that is sold carefully registered, as in Germany; sternly punish any person selling them without a license, or carrying them without a special permit. It is absurd to say that the free sale, general possession, and common use of these firearms cannot be prevented, and that therefore the flood of crime they occasion must go on. It can all be prevented if the necessary laws be enacted and strictly enforced. If good men plead that they must carry them to protect themselves from footpads and thugs that infest the streets and their hiding-places at night, and to repel burglars from their houses, insist that they shall rely for their protection on the appointed guardians of their safety and of their property rather than on these murderous weapons, by carrying which, contrary to law, they make the law a dead letter and facilitate crime. Mr. William Tallack rightly says, that as long as we allow men to carry these weapons, "the main and obvious element of prevention has been practically ignored."

REPRESSION OF CRIME

This largely depends on the efficient administration

of criminal law. It should not be hindered by any legal contrivances of lawyers for delay and the defeat of justice, and the execution of sentence should be speedy. It scarcely needs to be said, since the fact is notorious, that our present administration of criminal law comes far short of this. It is halting and slow, enormously expensive, and inefficient. President Taft's characterization of it as "a disgrace to our civilization" is none too severe, and his declaration that "the prevalence of crime and fraud, which here is greatly in excess of that in European countries, is due largely to the failure of the law and its administrators to bring criminals to justice" is only too true. The proof of this is indubitable. Judge Holt's paper before the Wisconsin State Bar Association proves it. The statistics of the courts prove it. The writings of careful and reliable writers upon the subject prove it.* Less than two percent of the murderers and criminal homicides here punished!† Why then try to punish any? Why not, since the endeavor is so futile, save the enormous expense of prosecution by letting all go clear? Our administration of criminal law is a farce. We need not try any farther to prove what every intelligent person is ready to admit.

What ought to be done for the correction of this "failure of the law and its administrators to bring criminals to justice?" Let the recommendations of the President be heeded. Remove the defects in the law which hinder

*Art. "The Shameful Miscarriage of Justice," by H. B. Fuller, in *World's Work*, November, 1906, pp. 8221-8226.

†In England 50 per cent, in France 61 per cent, in Italy 77 per cent, and in Germany 95 per cent of these crimes are punished. Dr. W. Rauschenbusch, of Rochester Theological Seminary, in an address before the Baptist ministers of Boston, in Chipman Hall, as reported in the *Congregationalist*, December 3, 1910.

its present effective administration. Under the pretext of protecting from injustice the few innocent persons that may be entangled in the net of the law, the lawyers and sentimentalists have, through unwise legislation, so enlarged its mesh that a vast majority of the guilty slip through and escape, though the cost of the courts is enormous. Amend the law by removal of these defects, so that the present dilatory progress of cases in the courts shall be greatly quickened and the hope of immunity from punishment, which now amounts to an expectation, be taken away. Make the mesh so fine that every real criminal accused of crime shall be promptly arrested, tried, and punished. "In my judgment," says President Taft, "a change in judicial procedure with a view to reducing its expense to private litigants in civil cases, and facilitating the despatch of business and final decision in both civil and criminal cases, constitutes the greatest need in our American institutions."*

A suggestive example of what is needed for the better repression of crime through judicial procedure is given in the *World's Work* for March, 1910, in the article entitled "A Court that does its Job," by William Bayard Hale.

It is the present Municipal Court of Chicago, managed by a chief-justice (Judge Olson), who is assisted by twenty-seven associate judges. It tries criminal and civil cases with promptness and despatch. It has now been in operation upwards of three years. The last year it disposed of more than 125,000 cases and is up with its docket. "A law-breaker faces the judge the day of his offense, the day after, or within a week. A continuance is granted for reasonable cause, but rarely does a week intervene, while a fortnight's delay would be most extraordinary

*Annual message.

and unusual." It makes its own rules of practice and procedure and has great freedom in using them. "The Court of Appeals may not reverse its action for error of practice having no relation to the merits of the case. It may only reverse when it is of the opinion that substantial injustice was done. Less than one-tenth of one per cent of cases decided by the Municipal Court in the first year of its existence were reversed on appeal." We ask the question with which Mr. Hale closes his article, "How long will it require to persuade our various archaic judicial bodies of every dignity and degree that like efficiency is possible in every court in the land?"

THE REFORMATION OF CRIMINALS

In consequence of the progress of prison reform inaugurated by John Howard, the reformation of criminals is now widely believed in, and made, next to the protection of society, the paramount aim in the administration of prisons. "Reformation," say our penologists, has "the first place in an up-to-date prison. Under the rule of self-protection, reformation is far more effective than deterrence by severity. Reformation is a permanent cure, but deterrence lasts only whilst fear lasts and eternal vigilance is on guard." So strong has become the belief of experienced penologists and successful prison superintendents in the possibility of the reformation of criminals, that they reckon as reformatories not only such prisons as Elmira, New York, and Mansfield, Ohio, to which young men convicted of a first offense that does not indicate special depravity are usually sent, and where a special treatment called "reformatory" is given, but affirm that even Sing Sing and Auburn, New York, may be made such, inas-

much as a large fraction of their inmates can be permanently reformed by placing them under reformatory conditions and agencies. Where this is not the case or is found usually otherwise, how futile appears the whole business of our administration of criminal law! Then our "war with crime" ends in disastrous defeat. At an enormous expense we pursue, arrest, convict, imprison, and punish criminals, and then release them to prey upon society with greater cunning and intensified fury. So doing, as Dr. Henry Hopkins said, "we turn aside into a sewer a stream that is defiled and black with impurities, and then conduct it back more foul and black than before into the river of our common life."* To avoid such a calamitous outcome, the superintendent of the prison should be Howard's ideal—"a good man for a jailor," etc. The time is gone by, never to return we hope, when it is thought proper that the warden's office may be regarded as one of the legitimate spoils of party political victory, to be given as a reward of partisan zeal and activity to any man who might have only these claims to recommend him, or whose chief personal recommendation might be that he was "a good fellow," and had the strength of a pugilist and the courage of a bulldog in case a mutiny should arise among the prisoners. "The head of a reformatory prison," says Dr. F. H. Wines, "must be an idealist, a consecrated man, a man with a vocation. A truly reformatory prison is the last and highest expression of charity. It demands the expression of charity by the warden. It will not work in the hands of a harsh, brutal, incompetent warden. It needed the Christian heart and administrative genius of a Maconochie to de-

*In his memorable address before the National Prison Association, Kansas City, 1901.

vise and work out the reformatory method of treatment that converted the "hell upon earth" which he found on Norfolk Island into the orderly colony of convicts which he created. It needed a Brockway to make Elmira Reformatory the model prison of the world.

The prisons being governed by such wardens and subordinate officers of like character, and having an atmosphere created by their government, should be authorized and equipped to use for the welfare of their inmates the remedial agencies of work, education, and religion.

1. *Prison labor is indispensable as a reforming agency.* But the use of this agency in prisons is objected to by labor-unions as "injurious to free labor," and through their influence adverse legislation has been passed against it in a number of States (as, New York, Ohio, Indiana, and Illinois), limiting it to the coarsest kinds of manual work, and to the production of goods that shall be used only in public institutions or by employees of the State, not sold in the open market in competition with the products of free labor. This adverse legislation to prison labor has been a serious handicap to prison reform. Make prison life an idle life, and it lacks what long experience in prison discipline has shown to be essential to the convict's reformation. He thereby loses the habit of industry and the ability to acquire a trade, if he have none, or to work at it with skill, so that he can earn an honest living when discharged. Furthermore, the prolonged idleness that results is inevitably demoralizing, as seen in county jails where there is no labor.

Some have thought that the objections of the labor organizations might be met without moral or physical injury to the convict by giving to him unproductive labor,

like that of the treadmill, or of breaking stone, or of wheeling stone or sand from one side of the prison-yard to the other, and then wheeling it back again, merely to keep him busy and avert the mischief of idleness. But such profitless prison labor, besides the objection that it does not relieve or lighten the taxpayer's burden, which free labor must share, is open to the grave objection of insulting the convict's intelligence by imposing upon him an irksome, useless toil, which not only has no reformatory tendency, but a tendency to exasperate and still more deprave him by degrading his manhood through puerile performances. It is an axiom of penologists, moreover, that labor is reformatory in proportion as it is productive. Such labor calls for skill, carefulness of finish, laudable endeavor. It exercises the convict's brain and trains his hand to high achievement gratifying to his pride; it gives him also the satisfaction of conscious usefulness as well as the ability which clothes him with honor and the power of self-support.

Men are therefore attempting to juggle with words when they try to persuade the public that productive prison labor can be avoided without damage to the reformation of the convict, and should be forbidden because injurious to free labor. If the convict produces anything the world uses, it must be sold in the markets of the world and compete to some extent with free labor. But the extent is so small and insignificant that it is not worth minding. It amounts to only about one-half of one per cent of the total of free labor. We count, furthermore, as undeniable, these two things: that "every man, whether prisoner or free man, has a right to labor; and that the products of his labor are entitled to a place in the markets of the world." The leaders of labor discredit their cause

if they refuse to admit this, and seek by hostile legislation to prevent the prison labor that promotes the convict's reform.

2. *Education is also a helpful means of reform.* Its tendency is reformatory. The conviction of its potency as a reformatory agency has been the motive and the justification for the considerable amount of education (including in the word physical, mental, and moral culture) given in our best prisons. It improves the health, begets a love of good reading, stores the mind with worthy ideals of character and conduct. The elevation of mind, the refined tastes, the broader outlook, which result from such education, produce a disgust for the degrading associations, the course of crime and wickedness that has brought them to prison. It prepares the way for

3. *The crowning reformatory agency—religion.* In the literature of penology no pages are more interesting or convincing than those which describe and attest the good done by religion in the reformation of criminals. They show that Christ "is able to save to the uttermost those that come to God by him," and that he "is able to keep them from falling" back into a life of crime. It was the belief of Phillips Brooks that "Christianity has not been fully tried by the modern world," that there are unspent forces in it, divine potencies, capable of producing as great and even greater marvels of reformation than those wrought by it in Corinth as attested by the Apostle Paul (1 Cor. vi. 9-11).

All criminals, it has been said, have become criminals largely from two causes—heredity and corrupting environment. Dr. Henry Hopkins, in his impressive address above referred to, truly says, however, that Christianity is especially adapted to save criminals because it offers a

remedy to these two causes of crime. "The man born from above, the regenerated man, has a new heredity. The man who is 'in Christ Jesus' has a new environment." Many, many times has the efficacy of this remedy been shown in the conversion of notable criminals, like "Awful" Gardner and Jerry McAuley; in the remarkable reformatory work done by Mrs. Frye in Newgate prison; in the work of Gardner Tufts and Mrs. Ellen Johnson, the Christian superintendents of the Concord and Sherborn (Mass.) reformatories, and in the work of the Christian visitors of English prisons, Sarah Martin and Thomas Wright, as described by William Tallack;* in the work of John L. Whitman in Chicago jail, and in the great successes of some of our prison chaplains.

These are convincing examples. They prove that the power of religion, when ministered by earnest, devoted men with Christian love, patience, and wisdom is almost boundless. It is still able to work the greatest miracles, since the supreme miracle is the reformation of a wicked, lawless, sin-hardened criminal. The most successful toilers for the reformation of such criminals have inscribed on their banner of the cross the words "Unto the Uttermost." Because of what they achieve, the staffs of quite a number of prisons in our land are veritable "rescue bands." Place all our prisons under the direction of such official staffs, and equip them with the needful reformatory appliances, and, instead of having our prison system a dismal failure, such as results when prisoners are discharged unreformed, going out worse than when they came in, as Dr. Hopkins says, like a turbid stream turned into a sewer and coming out more foul than before, we have in each prison a settling basin like that of St. Louis, into which

*Penological and Preventive Principles.

the turbid waters of the great river are emptied to be purified and made fit for the city's use; or like the natural one of Lake Geneva, into which at one end the river Rhone flows a yellow, muddy stream, and emerges at the other end clear, pure, and beautiful as an emerald. The calm and tranquil lake extracts all the dirt from it, and this, precipitated to the bottom, is forever left behind, and the river flows onward, rejoicing, to the sea.

Two things more are needed to perfect our prison system:

1. *More efficient provision for the aid of discharged prisoners.* They may go out of prison reformed in spirit and purpose; but they need to be held to their purpose because of adverse circumstances. The stigma of his past crime and prison sentence is upon the discharged prisoner. He is therefore treated with suspicion, and finds it hard to get employment. Few or none—"alas, for the rarity of Christian charity!"—will have anything to do with him. As a consequence he is almost forced to go back to his life of crime, or starve. In Great Britain and in Switzerland,* the necessary help is given by prison aid societies, largely supported by the government. "We have failed in this important work," says General Brinkerhoff.

2. *A national bureau of prison management at Washington, D. C., similar to that of Great Britain.* The act of 1877 by which England placed all the jails and prisons of the realm under the control of the central government "resulted in a great amelioration of the condition and management of the prisons." It removed serious defects in their management and made possible improvements that ranked her prison system the highest in the world because of its efficiency. We would do well, in spite of

*Report of National Prison Association for 1895.

every objection, to borrow from the mother country this crowning excellence of her prison system.*

Our subject is one of supreme importance. The existing prevalence of crime in our country and its steady increase because of the immunity of criminals from punishment and our lack of success in dealing with them is a reason for the greatest alarm. We agree entirely with General Brinkerhoff in his opinion that "something must be done to check the rising tide of crime, or the man on horseback is not far off." In the present state of things, when the number of criminals is that of a large army; when skulking murder makes it unsafe for our women, and even children, to walk on unfrequented streets, or along country roads, or across a pleasant field; when thugs and highwaymen, hiding behind billboards or in dark alleys, spring out upon a solitary person going home from his business, or visits to friends, and hold up and rob, slug and kill him, sometimes close to his own door; when not even daylight gives security from attack, but the deeds of darkness infest the day,—in this state of things audacious crime has become such a menace to peaceful society that any effective remedy—no matter how costly—would be welcome. Under these conditions of fear and apprehension, existence has become almost unendurable, and a large and increasing number of people are nearly ready to say, "If our republican government cannot give us security to life and property; if it is not strong and wise enough to devise the means to check and turn back this invasion of violence and crime, let 'the man on horseback' come. Give us the mailed hand of a Kaiser or of a soldier like Napoleon to smite and subdue it. Better the government

* See Page 78.

where ninety-five per cent of the murderers are punished than the government where only two per cent are punished. The tyranny of a despot may be hard to bear, but much harder to bear is the reign of terror which an unchecked prevalence of crime produces. We value our political freedom, but we value more our social and personal security."

But we are not willing to have this chapter end with a dolorous note. Our republican government surely can cope successfully with this evil now grown so great and alarming, if once the seriousness of it be generally realized and the remedies required to abate it be earnestly sought and applied. A republican government ideally viewed is not necessarily weak and ineffective. To be sure its success is conditioned upon its having a superior body of citizens. But it is the tendency of a good republic to produce such citizens. When ripened and established in patriotic virtue, it has capabilities adequate to meet every requirement. All that is needed, therefore, in the present emergency, is that its capabilities be evoked in our behalf, so that our criminal law may have its recognized faults, which are due largely to unwise legislation, pruned away, its defects amended, and then be faithfully executed by its administrators to bring criminals promptly to justice. We believe that thus "the prevalence of crime and fraud which here is greatly in excess of that in European countries," can be checked. Then, our social and personal security, being better safeguarded, this republic will realize Lincoln's cherished ideal of it, as "a government of the people, by the people, for the people," which "shall not perish from the earth"; and we can join with proud sincerity in the closing lines of Lowell's Commemoration Ode:

**"What words divine of lover or of poet
Could tell our love and make thee know it,
Among the Nations bright beyond compare!
What were our lives without thee?
What all our lives to save thee?
We reck not what we gave thee;
We will not dare to doubt thee,
But ask whatever else, and we will dare."**

THE SAVING POWER OF PHILANTHROPY

In the history of human efforts to diminish crime the most efficient workers and most conspicuous actors have been the philanthropists who have toiled for this end. The beauty of their lives and characters, their heroism and unwearied benevolence, and the greatness of their achievements glorify the dark pages of the sad story as with heavenly light. Recall the notable examples described in the preceding pages,—of John Howard, of Mrs. Fry and her brother-in-law. Sir Thomas Fowell Buxton and their associates and helpers in the Society of Friends, of Barwick Baker of Hardwick Court and George Bengough his helper, of Maconochie and Crofton, of Brinkerhoff and Hayes and their fellow workers of our National Prison Association and of the Conferences of Charities and Corrections, and of other people famous for their good works,—they appear like a torch-light procession in the night going with glorified faces to the rescue of the fallen and the outcasts from their conditions of misery and shame. They manifest an unquenchable Christ-like spirit. Discouragements do not cool their ardor nor paralyze their endeavors. They are sustained by indomitable strength and courage and, strange to say, they are cheerful and happy in their dismal work, illustrating the truth of Keble's lines:

“There are in this loud stunning tide
Of human care and crime

With whom the melodies abide
Of the everlasting chime;
Who carry music in their heart
Through dusky lane and wrangling mart,
Plying their daily task with busier feet
Because their secret souls a holy strain repeat."
(The Christian Year.)

That "holy strain" is caught from the lips of Christ and the Gospel teaching. It shows that the philanthropic service in behalf of mankind, which we are insisting is the best remedy for crime, is not only the best thing for this purpose but the best for a man's personal happiness. The words of Christ in regard to such service for the benefit of humanity are forever true: "I have given you an example that ye should do as I have done to you. Verily, Verily I say unto you, the servant is not greater than his lord, neither he that is sent greater than he that sent him.

"If ye know these things, happy are ye if ye do them."

The most remarkable example of the Christian love and regenerative service to fallen humanity exhibited by "those, who come very close to their fellow men" is the Seventh Earl of Shaftesbury. "No better illustration of this is afforded," says Professor Richard T. Ely, "than by the biography of that eminent man." We therefore conclude this volume with an extended biographical sketch and character study of the distinguished philanthropist.

It may be thought at first glance that this biographical sketch is not harmonious with the chapters that have gone before. But the writer believes that it is not only congruous with them but most fitly completes the series. The best remedy for the existing flood of crime as

we have already intimated is to be found in the efforts to prevent it of more people of the Shaftesbury sort. Shaftesbury's public career and benevolent work in various lines served greatly to check and diminish crime. He was a notable rescuer from a life of crime of multitudes that were constantly tempted to commit it or had actually entered upon criminal careers. He did this in two ways:

(1) By his legislative work in Parliament, to secure measures that should ameliorate their social condition by delivering them from the oppression and misery of excessive hours of labor performed under circumstances that were insanitary, unsafe and cruel especially to women and children. By the good laws he secured by his persistent efforts for their benefit he emancipated them from an industrial slavery then existing in Christian(?) England that was worse than any slavery that ever existed elsewhere in the world. The changes thus wrought in their situation amounted almost to a complete transformation of their social existence. Better mills and factories, less crowded and more safeguarded from the perils of fire and whirling machinery, and furnished with conveniences that promoted the decency, self respect and morality of the operatives, were thus secured. Toilers in the coal mines and in the fields also had the conditions under which they did their work vastly improved. And this great army of workers when released at the end of the day from their wearisome toil, thanks to Shaftesbury, went home to improved dwellings that offered them the possibility of some comfort and not to dark, insanitary abodes, that were destitute of every convenience and means of comfort, and denied them gratification of every longing natural to native refinement and fostered by civilization and religion.

By the laws thus enacted ameliorating their social

and economic condition, the working people of England were made more contented and loyal to their government. About the time that Lord Ashley (later Earl of Shaftesbury) was most earnestly pushing his efforts as a legislator to secure the salutary measures for the relief of her working people, England, like the other countries in Europe, was heaving with the throes of economic discontent. It caused, in England, the Chartist movement during the decade of 1840-50, the excitement of which culminated in 1848; and, on the continent, produced the revolutionary out-breaks in France and Germany which form a distinct and memorable epoch in the history of the 19th century. In England, however, there was much less popular disturbance than in the rest of Europe. "While there was a real and widespread discontent," says the author of the Article on Chartism in the *Encyclopedia Britannica*, "men were indisposed to resort to decided measures, and subsequent legislative changes have in great measure removed the causes that existed for discontent among the classes that mainly supported the Charter." It was largely due to Lord Ashley's work and influence that these classes "were indisposed to resort to decided measures," and that England was held back from the plunge into revolution taken by the common people elsewhere. This was recognized by the English government, and "when the panic was over," says Professor Blaikie. "Sir George Grey, the Home Secretary, wrote to him (Ashley), and thanked him and the city missionaries of London (whose assistance he had invited in the emergency) for their valuable aid." "It would not be easy to tell," says Professor Blaikie, how much the life of Shaftesbury has assisted in warding off revolution from England and in softening the bitter spirit between the rich and poor," (See Art, An-

thony Ashley Cooper, Seventh Earl of Shaftesbury, Dictionary of National Biography.)

But the mitigation of this bitter spirit and the allaying of the discontent of the poor meant less crime. Men smarting under the feeling that they are not justly dealt with and pinched with poverty, due as they think, to such oppression, are prone to acts of violence and robbery. Washington Gladden, quoting from "a letter from over the sea," relating to those unhappy times, the following sentence, "There is a strong feeling among employers and employed that the cruel conflict between capital and labor is destroying some of the best elements in human character," truthfully says, "this is the kind of destruction most to be dreaded. When the old feelings of friendliness are gone, when sullen envy and rankling hatred have taken their places, the very foundations of the social order will be gone, and chaos and anarchy will be at hand." From that peril England was saved by Lord Ashley's timely laws. When the exasperated working people saw that the state and its prosperous classes were trying to relieve them of their sufferings by measures that did away with their wrongs to a considerable degree, their anger was appeased and their love of country and loyalty revived.

(2) Of equal importance in preventing crime was Shaftesbury's unwearied service to English Society in the various benevolent enterprises in which he had an active hand. We shall see in the story of his life, what an assured estimate he placed upon the value of the numerous Ragged Schools, encouraged and fostered by him as agencies for saving the young from felony and the punishments of the prison and the hangman. Similar was the influence in his opinion, of the societies he organized and encouraged among the costermongers, the chimney-sweep, the boot-

blacks and other poor classes; and of the loan funds established for the assistance of poor women and girls in the emergencies that overtook them because of their precarious employments and the fluctuations of the business on which they depended. Connected with his system of Ragged Schools were Marine Training Schools to furnish the navy with good sailors, and an efficient Emigration Society for the most promising lads and young men found in those Ragged Schools. In his benevolent zeal he was not above standing, sometimes, at the doors of the House of Parliament, and soliciting from friends and acquaintances as they came in the money required to send one of these children of his adoption to Canada or some other British Colony where they could begin life afresh under more favorable conditions. And his interest in them continued long after their departure—he exchanging letters with them in regard to their welfare and situations—so that gratitude for his love and the desire to show themselves worthy of it—stimulated them to do well.

His labors in these various lines were multifarious and the fatigue and exhaustion they produced were sometimes extreme, so that he had to seek rest from them by suitable vacations; but his zeal in them never flagged; he returned to them from his vacations with new ardor, and toiled on, year after year, to the limit of his strength. Herein the service he gave to the poor presented a great contrast to that of ordinary salaried officials, in charge of public institutions established for their relief. The service of such officials, observation proves, is apt after a while to grow perfunctory, unsympathetic and to a considerable degree, ineffective. Officialdom seems to be exposed to this blight of creeping paralysis. Not always is this the case, but too frequently, so that if the usefulness

of the office is fully maintained there has to be now and then a change in its administration, and there must be on its board of directors one or two men of commanding influence, whose interest in its work does not flag. For this reason men of the Shaftesbury type are invaluable, and greatly needed by us in larger numbers. We entirely agree with Dr. N. D. Hillis: "If the republic is to go forward unto better laws, happier homes, greater happiness, to the toil of the working classes must be added the toil of the leisure classes. Our jails are full, our haunts of vice are full, our reputation as hoodlums is also fully established. But in the light of what Ruskin and Shaftesbury accomplished for London, should a score (better, three or four score) of men and women of the leisure class give their lives to the higher life of this community, an affirmative answer might be given to that momentous question, "Can we make ours a true city of God?"

The history of reforms and of social progress justifies our opinion. The illustrious names associated with this progress have been almost all of them people of this sort—to Howard, Wilberforce, Mrs. Frye, Fowell Buxton, T. Barwick Baker and many others, in the mother country, and in our own land a bright galaxy of names, such as Phillips, Garrison, Sumner, Letchworth, Peter Cooper, Jessup, the Wineses, Jane Addams and her associates at Hull House, Graham Taylor and his co-workers of the Chicago Commons and the workers generally in our social settlements, Brinkerhoff, Higginson and many more of the same philanthropic spirit. Of these philanthropists, some have been rich but most of them poor, yet all alike in their love for their fellowmen and devotion to their welfare. Similar traits characterize them:—they are idealists, inspired by visions of hope which sustain and

allure them: they are usually profoundly religious like Shaftesbury, and they are unweariedly persistent in the pursuit of their aims for the good of mankind, and people of unquenchable courage and faith in God, whose efforts are usually crowned with great success, they being like the Christian worker Matthew Arnold encountered on the squalid streets of Bethnal Green:

"I met a preacher there I knew and said,
"Ill and overworked, how fare you in this scene?"
"Bravely," said he, "for I of late have been
Much cheered with thoughts of Christ the living
bread."

Oh human soul! as long as thou canst so
Set up a mark of everlasting light
Above the howling senses' ebb and flow,
To cheer thee, and to right thee, if thou roam,
Not with lost toil thou laborest through the night."

ANTHONY ASHLEY COOPER,
SEVENTH EARL OF SHAFTESBURY

I

AS LORD ASHLEY

WHOSOEVER will be great among you, let him be your Minister." These words of Christ clearly denote that the great man of Christianity, its ideal hero, is the philanthropist. Not an Achilles, not a Caesar nor a Napoleon, but a Howard, a Wilberforce, a Shaftesbury. Shaftesbury's family motto was, *Love-serve*, and he actually embodied this in tireless efforts to mitigate the miseries of the poorest of the poor, and to elevate the social character and condition of the lowest of the low with the undeniable result of preventing much crime. His career admirably shows how worldly rank and station may be exalted by consecration to the welfare of humanity. "The force which impelled him," says a writer in the Nation, "was compassion for suffering strengthened by a sense of religious duty."

It is a common notion that deeply religious men of this class are never very forceful men. This is a great error. Witness the examples of Wesley, Wilberforce, Howard and, above all, Shaftesbury. In the pursuit of their benevolent aims they seem impelled by a passion rivaling, and even exceeding, that of the most ardent seekers of wealth and power. Their flame of unselfish

benevolence is more intense and enduring than that of selfish greed and grasping ambition. It is fed and sustained by an inconsumable fire—the fire of divine love, which is eternal.

He was born April 28, 1801, in London.

His Family. In the complex web of human character and destiny a thoughtful inspection may discover various strands derivable from one and another, near or remote, in the ancestral line. Perhaps we shall do this by a review of his ancestry.

The first Earl of Shaftesbury was one of the five men that composed the cabinet of Charles II, the initials of whose names formed the word *Cabal*, and gave this word as a term of infamy to our language. Eminent authorities differ in regard to his character. Hallam and Macaulay blacken it. On the other hand, John Locke, the philosopher, who was his intimate friend, extols him as a man of virtue and remarkable abilities, and Dryden mingles praise with blame in speaking of him, saying, in view of his two offices of royal counselor and Lord Chancellor: "The statesman we abhor, but praise the judge." From these conflicting judgments in regard to him we are warranted in believing that he was what Dryden calls him, an "Achitophel," crafty and unscrupulous in politics, but showing sometimes a disposition to do great and honorable things.

The second Earl, although "of singular handsome features," was in mental powers "below the average."

The third Earl, whose education was superintended by Locke, was a person of natural refinement and strong intellect. He was the author of a notable book, "Characteristics of Men." Elected a member of Parliament at twenty-four, he distinguished himself in his brief political career (brief on account of his delicate health), by a short

and effective speech which left its mark on the laws of England. It was in support of a Bill for Regulating trials for Treason, in which he sought to have inserted the reasonable and just provision that a person indicted for treason or misprison of treason, should be allowed the assistance of counsel. In the effort to secure this he was overcome by his natural diffidence and timidity and broke down. But in sitting down he uttered one sentence, which proved more eloquent and effective than the most splendid oratory and won the thing for which he pleaded. "If, I, Sir," he said, "who rise, only to speak my opinion on the Bill now depending, am so confounded that I am unable to express the least of what I proposed to say, what must the condition of that man be who is pleading for his life without any assistance and under apprehensions of being deprived of it?" He is described by his biographer as a kindly natured man, who took a peculiar pleasure in helping forward young men to useful and honorable careers.

His writings are not much read now, but we are told that they "created considerable public interest on their first appearance and won for him a large circle of enthusiastic admirers." Crabbe Robinson, in his interesting "Reminiscences," says that in his travels in Germany he met Wieland, who spoke of Shaftesbury as "the author, to whom I owe more of my cultivation than to any other writer," and that "Mendelsohn calls him the English Plato." Bishop Warburton concurs in this judgment, "In his writings," says Warburton, "he has shown how much he has imbibed the deep sense and how naturally he could copy the gracious manner of Plato." Bishop Warburton did not, however, give his approval to all of Shaftesbury's opinions. In his opinions upon religion and morality he was counted heterodox and unsound, and those

opinions were sharply controverted by Butler, Berkeley, Warburton and others.

He possessed another notable quality, independence of mind; "he could not be depended on to give a party vote; he was always ready to support any proposals, from whatever source they came, that appeared to him to promote the liberty of the subject and the independence of Parliament."

The fourth Earl of Shaftesbury was an estimable man, but played only an insignificant part in public life. He was, however, an intimate friend of Handel, the musician, and fond of literature, art and society.

The fifth Earl also made no special mark in the world.

The sixth Earl, the father of our subject, held in the House of Lords for forty years the important office of Chairman of Committees. In the discharge of its duties he was energetic, intelligent and efficient, and gained a reputation for force of character and impartiality; but in private intercourse he was deemed "dictatorial" and disagreeable, and ruled his household by fear rather than by love. Neither the Earl nor his wife, a daughter of the Duke of Marlborough, manifested much affection for their offspring in their childhood. They gave to politics and the pleasures of society most of their attention, and left their children to the care and society of servants.

But among the servants there was one, Maria Millis, who gave to the lonely sensitive boy a mother's care and affection. She had been maid to his mother when a girl at Blenheim, and now acted as her housekeeper. "She was," says Hodder, "a simple hearted, loving Christian woman, who formed a strong attachment to the gentle, serious child, and would take him on her knees and tell him Bible stories, It was her hand that touched the

chords of his spiritual life. . . . To her he was indebted for the guidance received into a settled and intelligent faith. She taught him the first prayer he ever learned, a prayer which he never omitted to use."

At the early age of seven he was sent away to a family school at Chiswick kept by Rev. Thomas Horne, a good classical scholar, competent enough to impart to his pupils the rudiments of Latin and Greek, but entirely incompetent to teach and train them in the principles of good character and the habits and manners of gentlemen. To the end of his days Lord Shaftesbury spoke of the school and of the treatment he received there with disgust. "It was very similar to Dotheboy's Hall, bad, wicked, filthy, and the treatment was starvation and cruelty." The school, however, was patronized by the aristocracy, and enjoyed considerable prosperity at that time. "No less a person than Lord Lyndhurst," says Sir Spencer Walpole, "was educated in it, and a letter which Lord Lyndhurst wrote from it as a boy, which will be found in Mrs. Armory's *Life of the Copleys*, . . . creates a very different impression of the establishment from that which we derive from Lord Shaftesbury's opinion of it."

The difference in the impressions and opinions of the two may be explained probably by the difference in the natures of the two boys. What one boy, with a timid and sensitive nature, like Shaftesbury's and the poet Cowper's, found intolerable, another, with a more robust nature and indomitable spirit, might find not only tolerable but enjoyable.

But, at best, the five years spent there by the little Lord Ashley (the title of the oldest son of the Earl of Shaftesbury until he comes to the Earldom) were years in which he knew but little of the brightness and happiness

that generally form the infeasible heritage of children. For him there was no holiday joy in going home, nor pleasure in returning to the school.

However, "the fear with which Ashley regarded his school master and the bullies of the school," we are told, "was less than the fear with which he regarded his parents—and the return to school was hailed with delight as a welcome relief."

At the age of twelve he was transferred to Harrow and put in the home and under the care of Dr. Butler, the head master. The change was a happy one; for there he was associated with a more gentlemanly lot of fellows, and the beautiful surroundings of the famous school delighted him. Always an ardent lover of nature and country scenery, his heart and mind, emancipated now from the influences that had oppressed him at Chiswick, entered upon what seemed a new existence.

There he had an experience which really started him on his philanthropic career. "In his old age," says his biographer, "Lord Shaftsbury was walking down Harrow Hill with Dr. Butler, the son of his old Master, at that time the head of Harrow School, when he was asked, 'Can your Lordship remember any particular incident, or occasion, which induced you to dedicate your life, as you have done to the cause of the poor and wretched?' 'It is a most extraordinary coincidence,' he replied, 'that you should ask me that question here; for it was within ten yards of the spot where we are now standing that I first resolved to make the cause of the poor my own;' and he then related the following incident: In his student days, he was walking alone down that Harrow Hill when he "was startled by hearing a great shouting and yelling in a side street, and the singing of a low Bacchanalian song.

Presently the noisy party turned the corner of the street, and, to his horror, he saw that four or five drunken men were carrying a roughly made coffin containing the mortal remains of one of their fellows for burial. Staggering as they turned the corner they let their burden fall, and they broke out into foul and horrible language. . . . No solitary soul was there as a mourner. A fellow creature was about to be consigned to the tomb with indignities to which not even a dog should be subjected. Lord Ashley then exclaimed, 'Good Heavens! Can this be permitted, simply because the man was poor and friendless?' Before the sound of the drunken songs had died away in the distance, he had faced the future of his life, and had determined that with the help of God he would from that time forth devote his life to pleading the cause of the poor and the friendless."

After four years at Harrow, in which he "learned but little,—but that was my fault," he spent two years with a private tutor who had married his first cousin, "and perhaps no two years," he says, "were ever so misspent. I hardly ever opened a book and seldom heard anything that was worth hearing." He was ready then, however, at eighteen, for the University. This fact proves that he was an unjust critic of his youth; he could not have been ready for the University, if in those school years he had so idly spent his time and learned so little. He entered Christ Church College, Oxford. "Do you intend to take a degree?" asked his tutor. "I cannot say, but I will try," Ashley answered. He tried,—and won high honors. "I well remember," says his tutor, sixty years afterwards, then the bishop of St. Asaph—"watching Lord Ashley, day after day on his way to lecture, assiduous in his duties, diligent in his studies." Referring to his own success in

his later years, he said: "I have had a great many surprises in my life, but I do not think I was ever more surprised than when I took honors at Oxford."

After his graduation he spent three years in what he considered "busy idleness." People would say, "Why, you have not lost your time; you have always been engaged." "Quite true, but always upon trifles." He began to keep a journal,—which he kept up through life,—in which he records his various doings, reports the books he has been, or is reading, his estimate of their value,—his aspirations, hopes and disappointments. An examination of this journal shows him a careful, discriminating reader of such books as Clarendon and Alison's Histories, sermons of Thomas Chalmers and Robert South, the writings of John Locke, Richard Hooker and Robert Southey, the choicest works in the French language and the Latin classics, which he continued to read with ease all his life; the novels of Scott, books on Natural Science,—especially Astronomy, Botany and Chemistry,—of which he was particularly fond, and those treating of the political, social and religious topics of the times. It will be seen that notwithstanding his modest disparagement of himself and his attainments: "In knowledge of all kinds behind my chief contemporaries, without pretense to literary attainments (though with an immense fondness for them), intellectually not strong," his attainments and intellectual abilities were of no mean order.

During those years of "idleness" he made a trip to the continent, going as far as Vienna, where he fell in love. "Man never has loved more furiously or imprudently," he says. "The object was and is an angel, but she is surrounded by and would have brought with her a 'halo of hell.'" He was restrained by a natural caution from

rashness here. "I dread," he says, "the chance of a Jezebel or a Cleopatra, or that insupportable compound of folly and worldliness which experience displays every day, but history has not recorded. Give me the mother of the Gracchi exalted by the Gospel."—A prayer which, fortunately for his happiness and the world, was granted in due time.

Those "years of idleness" were far from being wasted: In his journal he says, "Visions without end, but God be praised, all of a noble character. I fancy myself in wealth and power, exerting my influence for the ends that I sought it for, for the increase of religion and true happiness." Near their close he says. "Latterly I have taken to hard study. It amuses me and prevents mischief. Occasionally the question, *cui bono?* sours my spirit of application; but generally speaking I have stilled the passions." He was like a bird about to migrate to a better climate; that circles about within the horizon, uncertain in regard to its course, or testing the strength of its wings, until its instinct divines the right direction and starts off decisively on its long flight.

The best things that men do are conceived in the mind and ripened there for happy expression in those hours of leisure, which are sometimes blindly censured as "hours of idleness." "Töpfer and Claude Tillier, both men of delicate and observant genius," says Philip Gilbert Hamerton, "attached the greatest importance to hours of idleness. Töpfer said that a year of downright loitering was a desirable element in a liberal education; whilst Claude Tillier went even farther, and boldly affirmed that "*le temps le mieux employé est celui que l'on perd*" (*the best employed time is that which one loses.*) There is a good example in one of Walter Bagehot's suggestive

character studies,—that upon Lord Brougham. "It seems to be a law of the imagination," he says, "that it only works in a mind of stillness; the noise and crush of life jar it." 'No man' it has been said, 'can say, I will compose poetry.' " He must wait until from a brooding, half-desultory inaction, poetry may arise like a gentle mist, delicately and of itself.

"I waited for the train at Coventry;
I hung with grooms and porters on the bridge,
To watch the three tall spires; and there I shaped
The City's ancient legend into this."

Tennyson: "Godiva."

Lord Brougham would not have waited so; he would have rushed up into the town; he would have suggested an improvement, talked the science of the bridge, explained its history to the natives; the quiet race would think that twenty people had been there. And, of course, in some ways this is admirable; such life and force are rare; even "the grooms and porters" would not be insensible to such intelligence, so much *knocking* mind. But, in the meantime, no lightly touched picture of old story would have arisen on his imagination; the "City's legend" would have been thrust out; the "fairy frost work" of the fancy would have been struck away.

"No man ever had more ambition," Lord Ashley writes of himself in his Journal on his twenty-fifth birthday. Ambitious young men of high social station in England find the best arena for the exercise of their powers in parliament. So, that very year of 1826, Lord Ashley was a candidate for Woodstock, a pocket borough of the Duke of Marlborough, his maternal grandfather, and was

elected. By family tradition and personal conviction he belonged to and generally sided with the Tories. But he refused to be a slavish adherent of party rule. Like his ancestor, the Third Earl of Shaftesbury, "he could not be depended on to give a party vote"; from the beginning to the end of his political career "he held an attitude of independence"; he reserved to himself and exercised the right to vote for and advocate "any measures from whatever source they originated, that his judgment and conscience approved and that promised good results to his country."

He did not make any special mark at first: It was nearly two years before he made his first speech; but as it related to Insane Asylums and their need of government supervision and regulation for the protection of their unhappy inmates, "in it he sounded the key-note of his whole parliamentary career." "God be praised," he said, "I did not utterly disgrace myself though the exhibition was far from glorious." He lacked the abilities that attract immediate admiring attention, and win speedy ascendancy. Self depreciation and a nervous dread of failure almost paralyzed his efforts. "I never hear a speech," he said, "without feeling that, inferior though it be, it is better than I could make." Though ambition urged him on, timidity restrained him. He acquired the great ability in public speaking which he ultimately attained only by careful study and persevering practice. Persistent endeavor, in spite of repeated mortifying failure, was the price he had to pay, the price demanded of almost all who win distinction in this line.

He soon, however, won the favorable opinions of all who met him by his unfailing courtesy and attractive personal appearance. "He was then," says Lord Gran-

ville, "a singularly good looking man, with absolutely nothing of effeminate beauty. He had those manly good looks and that striking presence which help a man more than we sometimes think. Those good looks he retained to the end of his life." Though "a beau ideal of aristocracy," he was affable and accessible to all and kindly to the humblest. With this was joined a genuine piety and tireless zeal for religion and Christian service of every kind that was scarcely ever surpassed. Lord Salisbury spoke of Gladstone, the day after his death, as "a *great* Christian"; so with even more justice he might have termed Lord Shaftesbury because of his self sacrificing spirit and his Christlike deeds. His particular religious school was what was then called the "Evangelical," as distinguished from the "High Church" and "Broad Church" Schools. "My religious views," he said in his old age, "are not popular, but they are the views that have sustained and comforted me all through my life. They have never been disguised, I think a man's religion, if it is worth anything, should enter into every sphere of life and rule his conduct in every relation."

As a school boy and young man he had the contempt for Dissenters commonly felt by the English aristocracy. "I believed it to be a meritorious thing to hate Dissenters. As to their doing any good in the world, the very idea seemed to be monstrous." The reading of the Commentaries of Scott and the writings of other learned Dissenters, when he was about twenty-five years old, "opened my eyes," he says, "and I began to think for myself." The result was a growing toleration for Christians of every school, for Catholics and Dissenters, so that at last he was the friend of Cardinal Manning, Spurgeon and Binney, and a co-worker with Moody and City Missionaries in

the Evangelistic meetings of Exeter Hall and the slums."

A favorite text with him, often quoted in self-justification, was the apostolic benediction: "Grace be with all them that love our Lord Jesus Christ in sincerity." Eph. 6; 24. "This shows clearly," he said, "not only what is permitted but what is enjoined in the work of Christian labor; viz. to wish 'God Speed' to all such and to give them the right hand of fellowship in all works of love and charity." Consistently with this belief he consented to preside at the religious meetings and Anniversaries of the British and Foreign Bible Society, the Young Men's Christian Association, the City Missionary Societies, and those various gatherings in Exeter Hall, where Evangelical religious bodies of almost every name were wont to hold their anniversaries.

In his Journal we find this entry: "Yesterday, Chair of London Missionary Society in aid of their Missions to China. Shall give great offense, I suppose, to my friends in the establishment. Sorry for it, but the cause of missions is too holy, too Catholic, too deeply allied with the single name of Christ for any considerations of Church System and Episcopal rule. These things are to my mind good in their places, but their places are bounded by time and space; the cause of missions knows nothing but Universality, and Eternity. What is the meaning of, 'Grace be with all those who love the Lord Jesus Christ in sincerity?' Did not Morrison, Milne, Medhurst, Moffat, Williams (Missionaries of this Society) love Him? If grace, then, was with these men, shall I, vile man, presume to say, '*I will not be with them also*'?"

He belonged to that rare class of men described by Sir Spencer Walpole as "Men who have refused to rise"

because of their choice to devote themselves to the welfare of the poor and oppressed. Repeatedly, because of this choice, he turned his back upon the dignity and emoluments connected with high office. Such office was pressed upon his acceptance by successive heads of the government, but his unvarying reply was, in substance: "God has called me to labor among the poor: I can not give up the freedom to plead their cause for the sake of office." On account of this, he greatly offended his father, who censured his course and was alienated from him for many years; because of it, he became very unpopular with the landed gentry, the manufacturer, and the wealthy class generally, and remained poor himself, distressingly poor for a man of his rank, all through his life. His distress on account of his poverty is frequently disclosed in his journal. Pathetic, indeed, are some of his allusions to it; as of "a horror of great darkness" before him; "that kind of Promethean Eagle that is ever gnawing my vitals;—" and as prompting the remark: "Our blessed Lord endured all the sorrows of humanity but that of debt. Perhaps it was to exemplify the truth uttered afterwards by St. Paul, 'Owe no man anything, but to serve him in the Lord.' "

Fortunately for him, his wife, "that bright and beautiful woman who," as Lord Granville says, "threw so much sunshine on his home," Emily, daughter of the fifth Earl Cowper, to whom he was married in 1830, cordially sympathized with, and encouraged him in his philanthropic work. Otherwise it would have been impossible.

The most prominent subject that enlisted Lord Ashley's interest and effort as a member of the House of Commons was that of the Regulation of Factories, especi-

ally in regard to the hours of labor required of their operatives; more particularly of the women and children.

How he came to be a leader in Factory legislation was in this way: In March, 1832, Mr. T. Sadler introduced in the House of Commons a bill to limit the labor of children and young persons of both sexes to ten hours a day. Previously it had been prolonged to fourteen and sometimes fifteen hours. The effects of such excessive labors upon children of tender years were stunted and crippled bodies, incurable disease, and exclusion from educational privileges, intellectual, and moral,—dooming those who survived their joyless childhood and youth to life-long misery, ignorance, and depravity. As the children were not free agents, but governed and let out for hire by their guardians and parents to the mill-owners, a good case was here presented for legislative interference to protect the children.

Just then however the country was agitated over the question of Parliamentary Reform, and in that year the first Reform Bill was passed. In the election which followed, Mr. Sadler failed to be returned to the House of Commons, and it was found necessary to find another champion of the cause of the Factory Children. Lord Ashley, who had already become known throughout the country as "the working man's Friend," was selected. At the opening of the new Parliament on the 2nd or 3rd day of February, 1833, two representatives of the "Short Time Committee" waited upon him to urge him to take up the question that Sadler had necessarily dropped. He requested time for consideration. They could give him only until the next morning; and he asked the counsel of two close friends, one of whom was Scarlett (later Lord Abinger) the distinguished Advocate, and of his young wife. Scar-

lett strongly urged him to take up the question. His wife, to whom he depicted in dark colors the sacrifice it would demand of her if he consented, replied: "It is your duty, and the consequences we must leave. Go forward, and to victory."

On the next day he gave this answer to the delegates of the "Short Time Committee": "I have only zeal and good intentions to bring to this work. I can have no merit for originating it; that must all belong to Mr. Sadler. It seems no one else will undertake it, so I will. I dare not refuse. . . . I believe it is my duty to God, and to the poor, and I trust He will support me." Accordingly, on the following day, he announced in the House of Commons his purpose "to renew the bill brought in by Mr. Sadler, last session, to regulate the labor of children in the Mills and Factories of the United Kingdom." Soon after at a public meeting, in London, of the friends of the movement, he thus set forth his conception of the full import of the question and the resolution with which he meant to push the "Ten-Hour Bill":

"It was a great political, moral, and religious question. It was a political question, because it would decide whether thousands would be left in discontent, aye, and just discontent; it was moral, because it would decide whether the rising generation should learn to distinguish between good and evil,—be raised above the enjoyment of mere brutal sensualities and be no longer, as they then were, degraded from the dignity of thinking beings. It was a great religious question, for it involved the means to thousands and tens of thousands of being brought up in the faith and the fear of the God that created them." As for himself, he assured them that he would "not give way a single moment on the question of Ten Hours.

As long as he had a seat in the House, as long as God gave him health and a sound mind, no efforts should be wanting on his part to establish the success of the measure. If defeated in the present session, he would bring it forward in the next, and so on in every succeeding session till his success was complete."

The pledge thus given was literally fulfilled. Session after session, in spite of repeated defeats, he persevered until victory was won. For fourteen years in the House of Commons, he was the persistent untiring advocate of fewer hours for a day's labor for the women and children of Great Britain, until his plea in their behalf after being repeatedly rejected by a hostile ministry and a subservient party vote was heeded, and the boon solicited was granted and embodied permanently in the laws of England. In this struggle he displayed rare qualities of leadership. He was courageous and discreet, and he inspired with confidence the force he directed. He possessed an instinctive knowledge of the men he could trust and work with and use for the end to be accomplished. He had the faculty of attaching men strongly to himself and inspiring them with his own unfaltering devotion to the cause they served in common; and, more important still, the faculty of restraining the people from acts of violence and bitter speech.

As the struggle advanced, it developed into one of immense magnitude, and increasing importance. Besides the children of the cotton factories, there were those of the woolen and silk factories, and of the mills of every class where woven fabrics were made, whose condition was equally pitiable and called for similar relief and protection. There were the women and children employed in the Calico-Print Works, in the Bleaching and Dye

Works, in the Coal Mines, in Chimney Sweeping and in all industries where unskilled cheap labor could be used. "It has been said to me more than once," he writes in his journal, "Where will you stop?" "I reply, 'Nowhere, so long as any portion of this mighty evil remains to be removed.' "

This is for us in the United States an interesting phase of the Factory Legislation of England. We are now grappling in this Country with the same questions of child labor and the oppressive, degrading conditions under which women and young girls are variously employed, that agitated Great Britain in the time of Shaftesbury. The wrongs and abuses and evils of every sort that then appealed to humanity for redress, over there, exist now with us uncorrected. The same arguments that were used to defend them then are repeated by selfish and heartless men here at the present time. This lends a special interest to the story of Lord Shaftesbury's philanthropic career. To those whose sympathies have been stirred and efforts called out by the labors of Mrs. Florence Kelly and her co-adjutors to procure legislation that shall regulate child labor so as to do away with the evils connected with it—this story offers an inspiring example, and his reported speeches, weapons of attack and defense of the greatest value. The story is indeed vital with the interest of contemporary social and economic problems that agitate the American people of today. With us now, as with England then, the struggle is immense and far reaching, affecting many interests. Instead of being appalled and discouraged in hope by its magnitude, we are summoned in a similar way to battle more strenuously against the evil combated.

Sir Robert Peel, the English prime-minister, objected to Factory legislation because many other kinds of manu-

factures might claim, as well as the factories, the restriction demanded, and he asked: "Is the House prepared to legislate for all these people?" To which a loud cry of, "Yes," being given by many voices of those in sympathy with Shaftesbury's effort, Peel replied that "he could not undertake a task so difficult"; and to stop further discussion of the subject, he said with emphatic energy, "I can not and I will not acquiesce in the proposal of the noble Lord."

In accord with the government in its policy of obstruction and determined resistance were some of the greatest men of the time; as, Gladstone, Bright, Cobden, Roebuck, and Brougham, men who, we should think from their liberal characters and reputations, would have given Lord Ashley their hearty support. It is evident, in fact, from the memorandum of his private journal, that he expected better things of them, and was greatly surprised as well as sorely disappointed because they failed to help him. He calls Gladstone "the inexplicable statesman," and says, "Gladstone ever voted in resistance to my efforts. . . . Never did he say a word in behalf of the factory children:" "Bright was ever my malignant opponent:" "Cobden, bitterly hostile, though better than Bright:" "Brougham was among my most heated opponents," and "Roebuck (his "bitterest antagonist") "distinguished himself by giving utterance to one of the most violent speeches ever heard in the House."

Lord Ashley, however, had in the House of Commons for his encouragement some strong co-adjutors and eloquent advocates of his Factory bill. Among them, Lord Palmerston, and Macaulay who made an eloquent speech in support of it. ("May I never forget his true and noble speech in the House of Commons on behalf of the Factory Children," he said at his death). But how was it that those

other eminent men ranged themselves in opposition to a measure, which mercy and philanthropy commended,—a measure the justice of which is now universally recognized, and which those very men *eventually* approved.

There were two reasons especially that actuated them:

(1) Their belief in and practical acceptance of what was called the "*laissez faire*" theory of government. This theory objects alike to the paternalism of the state, which would protect the helpless worker against the greed of the employer, and the interference of the State with the freedom of the employer in commercial and industrial affairs.

It holds that any attempt by government to regulate business, and so to do away the abuses that may arise when it is freely carried on, results in more harm than good; that it either aggravates the mischiefs which regulative laws attempt to correct, or creates new ones that are even worse. Philosophers like Herbert Spencer, and "politicians of the Manchester School," therefore, contended that it was "better to let things alone," that if they were not ideally perfect, they were "practically well enough." But as Dr. Gladden remarks in regard to this theory, (the prevailing social philosophy of the Nineteenth Century:) "*Laissez faire* had come to mean not only 'Let well enough alone,' which is always a wise maxim, but also, 'Let ill enough alone.' Its contention was that ill enough, if let alone long enough, was sure to turn out well enough. About that there is question."

It is to the great credit of Lord Ashley that by his speeches and writings he so shook the faith of men in this economic theory that he wrought in them a new tendency of thought,—a tendency that has become universal now throughout the civilized world, and which a distinguished

German economist has formulated into a law—"the law of the Increasing Function of Government." For the last generation the tide of sentiment and opinion has been running in this direction, and resulted in a noticeably steadily increasing disposition of governments to regulate forms of business that prove injurious to the general welfare. The change thus wrought, a writer in "The Nation" denominates "a social revolution." "It is not too much to assert," he says, "that every kind of factory, one might say every kind of workshop, has through the efforts of Lord Shaftesbury been placed under State supervision The doctrine of State supervision holds the field: it has for the time almost banished the dogma of *laissez faire*."

The substance of the arguments by which he won the day was, that the intervention of government is, sometimes, not only justifiable but imperatively demanded, as when the physical and moral well being of large classes is seriously impaired by social and industrial conditions that are capable of amendment. He was powerfully aided in this contention by Macaulay's speech for the Ten-Hour Bill: "Rely on it," said Macaulay, "that intense labor beginning too early in life, continued too long every day, stunting the growth of the body, stunting the growth of the mind, leaving no time for intellectual culture, leaving no time for healthful exercise, must impair all those high qualities which have made our country great. Your over-worked boys will become a feeble and ignoble race of men, the parents of a more feeble and ignoble progeny. Nor will it be long before the deterioration of the laborer will injuriously affect those interests to which his physical^v and moral energies have been sacrificed." (See Macaulay's Speeches; the speech on the Ten-Hour Bill.)

When England was recruiting her army for the Boer War, the lack of able bodied men among the applicants for enlistment, and the large number rejected, as unfit for military service because below the physical standard of height and strength required, on account of their puny stature and feebleness of body and various physical defects, confirmed Macaulay's prophecy; and because of this discovery, England and Prussia have since enacted legislation forbidding night work and excessive toil in early years and forms of labor that result in such physical deterioration.

(2) Another reason for the stout opposition encountered in the House of Commons by Lord Ashley to the Factory Laws he proposed was, no doubt, self-interest. The members of the House were, many of them, financially interested in the profits of the Mills and factories, and many more represented constituencies that were very sensitive to the question of profit or loss from them. The great manufacturing cities and towns of Great Britain, Manchester, Rochdale, Sheffield, Leeds, Bradford, Stockport, Edinboro, and others were almost solidly ranged in opposition to any measure that shortened the working hours of the day in the factories, or that for the safety and health of their operatives might diminish or increase the cost of their products. Their "business would be ruined," they cried; "England's trade would fly across the Channel to the Countries of Holland, Germany, Belgium or France; the Mills would become idle; the industries they had developed and maintained would perish; and the poor whose labor in them had given them bread would starve." The representatives of those manufacturing places in the House of Commons hardly dared to take an independent course. Had they courageously acted on the principle

urged by Lord Ashley that "Nothing that is morally wrong can be politically right"; or had they allowed themselves to be touched by his pathetic pictures of the children toiling under harsh superintendents through fifteen and sixteen "relentless hours," "enfeebled in body and exasperated in spirit, having neither the repose that is restorative to the body, nor the precious medicine (sleep) that alone can tranquilize the soul";—"forced to live and die as though it were the function of the State to make them pigmies in strength and heathens in religion"; and had they ventured in fatherly compassion to alleviate their cheerless lot by shortening their hours of toil, that they might have some time and opportunity to play and taste this sacred privilege and joy of childhood, these legislators would have lost their seats. Alas! for the empty terrors with which selfish greed often attempts to repress the promptings of mercy!

Years afterwards—in 1860—after Lord Ashley had succeeded to his father's title and become Earl of Shaftesbury, and passed on to the House of Lord, so that his voice was no longer heard in the House of Commons, Mr. Roebuck, his former most bitter antagonist in this struggle, stood up in this House and frankly confessed that his opposition to Lord Ashley's Ten-Hour Bill had been entirely wrong. "I opposed Lord Ashley at that time," he said, "and was very much influenced in my opposition by what the gentlemen of Lancashire (the Mill owners and Manufacturers) said. They declared then that it was the last half-hour of the work performed by their operatives which made all their profits, and that if we took away that last half-hour we should ruin the manufacturers of England. I listened to that statement and trembled for the manufacturers of England; but Lord Ashley persevered.

Parliament passed the bill which he brought in. From that time down to the present the factories of this Country have been under State control, and I appeal to this House whether the manufacturers of England have suffered by this legislation." A few days later, in a letter to the Earl of Shaftesbury in acknowledgment of one received from him warmly expressing his appreciation of Mr. Roebuck's labors for a measure in behalf of the women and children employed in Bleaching and Dye Works, Mr. Roebuck wrote as follows: "The praise, if any be due, belongs to yourself, for the evidence supplied by the enactments which you promoted made a convert of me, and led me, as far as I was able, to imitate your example and follow in your footsteps. The success of the measure is now assured, and much misery, which has hitherto disgraced us, will now be prevented. The present state, however, of these poor women and children *is a serious lesson to all legislators. It teaches us, in a way not to be mistaken, that we ought never to trust to the justice and humanity of masses of men whose interests are furthered by injustice and cruelty. The slave owner in America, the manufacturer in England, though they may be individually good men, will nevertheless as slave-owners and masters be guilty of atrocities at which humanity shudders; and will before the world with unblushing faces defend cruelties from which they would recoil with horror if their moral judgments were not perverted by their self-interests.* It is happy for us that we have an impartial public around us who, being unswayed by selfish interests, can without a sacrifice give a just judgment."

This "impartial public," whose "just judgment" gave countenance and support to Roebuck and his associates for their change of opinion and action, had been

educated largely through Lord Ashley's speeches in the House of Commons and his more public utterances.

Let us now inquire, what were his special abilities—natural and acquired, that he was so effective a public advocate? He was an effective speaker, but not in the same sense and for the same reason that his great antagonists, Gladstone and Bright, were effective orators. They were such by their natural gifts; he was such by reason of his consecration to a great cause and his diligent efforts to make himself its worthy exponent. He is a notable example, indeed, of the way a great cause greatens the man who devotes himself, heart and mind, to it. Similar examples are found among the Missionaries of Christianity to non-Christian lands, as William Carey and Livingstone; and among the generals in our Civil War. His own explanation of his great success as a public speaker was, that he had "the qualities of conviction, feeling and perseverance." Having these qualities he made himself the great orator he desired to be. Though he says "in knowledge of all kinds behind my chief contemporaries," in truth he surpassed the most intelligent of them in one kind of knowledge,—the knowledge that counts most in such a discussion,—that of "the facts" involved in it. This knowledge he gathered by careful personal investigation. "I made it an invariable rule," he says, "to see everything with my own eyes, to take nothing on trust or hearsay. In factories, I examined the Mills, the machinery, and saw the workers and their work in all its details. . . . It gave me a power I could not otherwise have had. . . . Easier to talk after you have seen. I could speak of things from actual experience, and I used often to hear things from the poor sufferers themselves

which were invaluable to me. I got to know their habits of thought and action and their actual wants."

This mastery of "the facts" gave remarkable vividness and an indisputable truthfulness to his utterances, which combined with the manifest "feeling" excited by the pathetic nature of the facts reported, and the deep "conviction," that their outrageous wrong and oppression should cease, clothed his speech with thrilling power, and he attained the wish early expressed in his journal: "If God would tip my tongue with fire I might speak in a voice which would be heard even at the ends of the earth." There was in his speeches a note of irresistible persuasiveness that appealed to and evoked a response from the higher feelings of his hearers. This led one to say, "the noble lord's speaking is a *sursum corda* kind of eloquence."

One of the most signal triumphs gained by the eloquence of Lord Ashley was the procuring of an Act excluding women and children from working in the coal mines. Having been informed of the shameful and cruel things done in them, he had moved for a Commission of inquiry, whose report after careful investigation made disclosures that shocked the whole country. A large proportion of the workers were less than thirteen years of age,—many of them only six and seven, the majority not over eight or nine,—girls as well as boys. "No distinction whatever was made between boys and girls in their mode of work, in the weights they carried, in the distances they traveled, in the wages they received, or in their dress, which consisted of no other garment than a ragged shirt or shift, or a pair of ragged trousers. "Hurrying"—that is, loading small wagons, called corves, with coals, and pushing them along a passage, was an utterly barbarous labor performed by women as well as children.

They had to crawl on hands and knees, and draw enormous weights along shafts as wet as common sewers, and women remained at this work until the last hour of pregnancy. When the passages were very narrow and low, boys and girls performed the work by "girdle and chain;" that is, a girdle was put round the waist, to which a chain from the carriage was hooked and passed between the legs, and, crawling on hands and knees, they drew the carriages after them."

Another kind of labor, "almost always performed by girls and women," was carrying baskets of coal, varying from fifty to one hundred and fifty pounds, "up steps (of ladders) that, in the aggregate, equalled an ascent, fourteen times a day, to the summit of St. Paul's Cathedral." The coal basket was held by straps passed over the forehead, and the body had to be bent to prevent the coals, which were piled high on the neck, from falling. Some times the straps would break with serious or fatal consequences to those immediately following. "It is needless to say that the poor little creatures, who labored thus like beasts of burden, and who scarcely ever saw the sun shine more than once a week suffered terribly in health. The foundation of diseases of the heart and lungs was laid in early life; many died young. At thirty years of age most colliers became asthmatic, while rheumatism was almost universal. . . . But for all the revolting cruelty practiced upon the poor children employed in mines and collieries; for all the dreadful sufferings to which they were subjected in their premature and destructive labor; for all the horrible indecencies daily passing before their eyes; for all the ignorance, licentious habits and social disorganization springing out of this state of things, *the main excuse given was, that without the employment of*

child labor the pits could not possibly be worked with profit, and that unless early inured to the work and its terrors no child would ever make a good collier." To put a stop to these degrading and harmful labors of women and children, Lord Ashley framed a bill which he introduced by an eloquent speech epitomizing the report of the Government Commission and his own personal investigations made at considerable risk by descending into the coal pits. "The speech," we are told, "was so powerful that it not only thrilled the House, but sent a shudder through the length and breadth of the land:" Sir George Grey told William Cowper that he "would rather have made that speech than any he ever heard;" and Cobden came over to him at its conclusion and sitting down on the bench beside him, wrung his hand heartily and said: "I don't think I have ever been put into such a frame of mind in the whole course of my life as I have been by your speech." Prince Albert, the Royal Consort, read it to the Queen, and wrote to him: "I have no doubt but that the whole country must be with you; at all events I can assure you that the Queen is." The sentiment thus created carried the bill triumphantly through Parliament, and put an end to the evils exposed.

"By the irony of fate," Lord Ashley was not a member of the House of Commons when the Ten-Hour Bill was enacted into a law. The reason was due to the repeal of the Corn Laws and the adoption of Free Trade in regard to imported bread-stuffs, which he favored. Having been elected as favoring the opposite policy, he felt bound in honor to resign his seat on account of his change of opinion, that his constituents, of the agricultural district of Dorsetshire, might be represented in Parliament by one who adhered to the principle of pro-

tection. He resigned his seat, Jan. 31, 1846. He re-entered Parliament as a representative of Bath, Nov. 23, 1847. The Ten-Hour Bill was passed, meanwhile, June 1, 1847, Mr. Fielden, Member from Oldham, who had been associated with Lord Ashley from the beginning in support of the measure, having charge of it in the final struggle. Lord Ashley himself, however, lingered outside in the lobby during the discussion, and was grieved at his inability to take part in it. "I dream of it by day and by night," he says in his Journal, "and work as though I had charge of the bill."

But though "out of Parliament," he was not idle. "He entered on a campaign," says his biographer, "to which he had long looked forward, whenever he should have the leisure to undertake it." That "campaign" was a visitation of the slums of the Metropolis, the breeding places of crime, with a view to assist the work of the Ragged Schools, the London City Mission, the Reformatory and Rescue Union, The Laborers Friend Society, and other organizations for the welfare of the poor, in whose work he had become interested. His philanthropy was like Aaron's rod,—it budded continually into new branches of benevolent activity. So he gladly associated himself with these voluntary societies of various kinds, and worked for them with his characteristic zeal and thoroughness. The names of Howard, Mrs. Fry, Wilberforce and other eminent philanthropists are associated mainly with a single cause, Shaftesbury with a dozen. They opened to him one after another in a natural, providential way. His companions in this visitation were a physician and one of the Missionaries of the London Missionary Society. He had "two objects in view in his perambulations; (1) To explore the unknown parts of London and see for himself

the lanes and alleys and, more particularly in these breeding places of crime, the houses in which the poorest of the poor and the lowest of the low dwelt; and (2) to bring himself into personal contact with the people, so that he might better understand their thoughts and habits and qualify himself to grapple with their need. . . . Wherever Lord Ashley went during these perambulations the people clustered round him in groups and received him with respect. Throughout his life, although he went freely among vagrants, paupers, harlots, drunkards, thieves and criminals of all kinds—the refuse of society—he never on any occasion or in any circumstances received an insult. Everywhere the people were grateful to him for the interest he took in their condition, and in the worst of neighborhoods he was safe from harm.”

To illustrate the zeal with which he prosecuted this “campaign,” by night as well as by day, the following scene is taken from “Hodder’s Life and Work of Lord Shaftesbury,” “In one of the most depraved quarters of London . . . in a neighborhood with a net work of disreputable courts and alleys, the resort of notorious ill doers, the dread of timid way-farers, and the despair of the police, there sit in an ill-furnished room two or three men waiting anxiously. . . . The great clock of St. Paul’s has sometime since boomed out the hour of midnight. Presently there is heard the firm steady tread of one who walks as with a purpose. The step is recognized; the door is thrown open, and the watchers grasp the hand of the new comer. He returns the salutation cordially, although it is obvious he belongs to a different rank . . . and without delay proceeds to the business that has brought him to this strange place at this strange hour. A hurried conference is held . . . and then all the party rise,

button up their stout overcoats and sally forth, one of the number bearing in his hand a small parcel of candles. They walk in silence until they reach their destination—the Victoria Arches under Holburn Hill, known as the Vagrant's Hiding Place, where they light their candles and enter the dark dismal vaults. As they enter, a few poor, miserable hunted wretches brush hastily past and make their escape into the street, or plunge into the recesses of the Hiding Place. It is sometime before the visitors can distinguish objects distinctly As their eyes become more accustomed to the gloom, they see sights which cannot now, thank God, be seen, and will never more be seen in the great city. There, spread on the damp floor, on layers of rotten straw filled with vermin of all kinds, lie wretched human beings, whose poverty, occasioned by the wrong doing or misfortune of themselves or others, has deprived them of every other resting place. As the light falls upon their faces some of them start up with the keen, cunning look of those who know that they have broken the laws and must depend upon their wits to escape the penalty; others turn over with a sigh of weariness and draw around them the scanty garments that scarcely cover them; while others break out into foul imprecations upon the intruders. Terrible are the faces that meet the gaze of the visitors, faces that bear indelible marks made by vice, disease or sorrow. Not to gaze and moralize, but to work, is the object of the visitors and by two o'clock in the morning they have taken thirty of these wretched outcasts and have brought them from the cold and darkness of the arches into the light and warmth of a comparatively cheerful room used as a Ragged School."

He was invited by forty notorious thieves to meet

with them in one of their haunts. He complied with their request and at the appointed place of meeting addressed four hundred and fifty of this class, entreating them to abandon their wicked life. His address so deeply affected them that the greater part of them, availing themselves of an emigration scheme devised by him and supported by his friends, were rescued from their life of crime.

Lord Ashley's explorations of the slum districts of London impressed upon him the need of better tenements for the poor. He discovered thousands of old houses falling into decay and breeding inevitably both moral and physical pestilence. His observations and reflections convinced him that such homes of the very poor, dark, cheerless, squalid and much over crowded, could not but prove demoralizing to their inhabitants. Human beings cannot live in a pig sty without swineish degradation. A disgusting environment is certain to develop vile characteristics. It is impossible to preserve self-respect, self-control, amiability and cleanness of life under such conditions. He was incited by these considerations to a task that covered ten of the best years of his life—the task of purging this inferno of misery and sin by the removal of the old pestilential buildings and putting in place of them better buildings for the housing of their population. Dr. Hillis thus condenses the story of Ashley's achievement in this direction: He "prepared a bill that provided for the condemnation and destruction of hundreds of old houses, while in the specifications for new buildings, regard was had for sunshine, air and the size of the rooms, their periodic whitewashing and cleansing, and the number of persons who could occupy a given house. . . . In ten years he wrought a striking transformation in the East End of London. The London Times confessed that not

less than eighty thousand people had enjoyed the benefits of the reform."

Lord Ashley's work in and for the Ragged Schools was the most notable. He was not the originator of these schools; his attention was first drawn to them by an advertisement in "The Times," giving an account of the Field Lane Ragged School, of the good work it was doing in "one of the most disreputable localities in London, and soliciting aid for its support. This advertisement "answered exactly to what I had been looking for," he says. "For some years the condition of the waifs and strays, the vagrants and outcasts of London had been a source of considerable anxiety to him. He saw growing up in London an enormous population of thieves and vagabonds. They lived in filthy dwellings, or under arches; they begged or stole; they grew up in horrible ignorance of everything that was good, and with a horrible knowledge of everything that was evil; and sooner or later they became acquainted with the jailor or the hangman. The sense that something ought to be done to check this growing mischief haunted him night and day." The Ragged School, as exemplified in that of Field Lane, was, he found on investigation and study of its possibilities, "an effective practical scheme to grapple with the difficulty," so regarding it, he became its enthusiastic supporter and advocate to the end of his life. He wrote for the Quarterly Review "a startlingly graphic article" on "Ragged Schools," which "was the talk of the town." He was instrumental in enlarging their scope and so increasing their usefulness by industrial classes of various kinds. Through his influence and help they were greatly multiplied; in the space of six or seven years, more than one hundred new schools, attended by more than ten thousand

children, were added to "The Ragged School Union," organized "to give permanence, regularity and vigor to existing Ragged Schools and to promote the formation of new ones throughout the Metropolis." Of this Union he became the permanent President, and "for many years the ragged children of London," says his biographer, "were rarely out of his thoughts, waking or sleeping; he visited them in their wretched homes, he saw them at their daily work, he sat beside them in their schools; he let them come to his house to tell him of their troubles; he pleaded for them in religious and political assemblies; he carried their cause in to the House of Commons and into the House of Lords; he interested the whole Country in their welfare, and he achieved wonderful results in their behalf."

How "wonderful the results achieved," and what estimate he himself placed upon the work of the Ragged Schools, the following extract from an address made in 1851, shows: "We have devised and organized a system of prevention by which to stop crime while it is in the seed, and sin before it has broken into flower and desolated society. Although other schools may have stood in the way of vice and crime, no one could say of them with certainty that almost every one trained in them would without their intervention have been a vagabond or a thief;—domestic discipline and other circumstances might have interposed to do their work. But we do maintain, that every one of those whom we have reclaimed would, from the very necessity of his position have been either a vagabond or a thief; we do maintain that by the instrumentality of this institution we have established a preventive system, which operates in anticipation of the jailor, or even of the hangman. We have moreover greatly abated the amount of juvenile delinquency, and have

cleansed the metropolis, not from pouring out from it the filth of our streets, but by passing those children through a cleansing and filtering process before we poured them forth in a rich and fertilizing stream on the colonies of our country," (through the Emigration scheme which he had connected with the system).

Lord Ashley did not claim the entire credit for all the good that was done by the Ragged Schools, nor did he deserve the credit for it all, any more than a successful general deserves all the credit of a great battle. The credit of both is due to their skillful leadership in directing the various officers and forces under their command. In this sense the general may be said to win the battle; the victory obtained, while shared by all the officers and soldiers under his command, is more largely his than theirs. It would not have been gained without him; his plan of the campaign and his inspiring words have issued in the triumph, which their courageous efforts have helped to achieve. So with Lord Ashley's work for the Ragged Schools, and elsewhere.

The Ragged Schools were correlated with other organizations formed for the betterment of the poor, especially the children and young people, so that as President of the "Ragged School Union" Lord Ashley was in some way or other made acquainted with them and attracted to their help. "Once satisfied," says his biographer, "that a cause needed help, and that it filled a place unoccupied, he went straight onward with it. . . . He never stood aloof from any good work, by whomsoever proposed, nor from any fellow worker, however humble, and he was as ready to lead an unpopular as a popular cause." Thus he became the warm friend and helper of the Chimney sweeps, the shoe-blacks, the Flower-

girls, the Young Men's Christian Association, the Indigent Blind, and the many various "Homes," "Missions," and "Refuges," of different names.

In his efforts to help the poor in their struggle with poverty he wisely acted upon the principle that he is their best helper who assists them in their endeavors to support themselves. Thus their self-respect and independence are maintained and their energies and a habit of industry are developed; whereas the opposite policy of giving relief to the lazy and spiritless whenever they ask for it, and which, if they would but bestir themselves, they could get on without, demoralizes them by making them contented to live as beggars and paupers. He guarded the self-respect of his poor friends by establishing loan funds, by means of which, through small sums lent to them, they could set themselves up in the small trades of chocolate and coffee stalls, peanut and potato roasters, watercress and flower sellers, shoe blacks and coster mongers, through which they make a living. He tells us of this example out of hundreds: "One night I found a stranded piece of driftwood. She seemed heart broken, and I started her in business with a cress and coffee stand. Her fidelity and service of love among the poor since her reform have made her a veritable angel of mercy in the tenement district where she lives." To the credit of those who took advantage of the small loans made to them, he informs us that they were almost invariably honest and conscientious in the payment of them. Out of 1,000 loans, of from one to two pounds each, only a very few were unpaid, and these "by reason of death or sickness, and not by fraud." "During one winter he made these loans to a thousand poor women, whose daily toil was the sole support of their families: In view of such a record of

the general integrity of the poor, let none be afraid to extend a helping hand to them in their distress!

II AS LORD SHAFTESBURY

At fifty years of age Lord Ashley's father died, and he became the Seventh Earl of Shaftesbury. By reason of this event he passed from the House of Commons to the House of Lords, "that vast Aquarium of Cold blooded life," as he termed it. Prior to this transition, when his father's life was rapidly failing and before he himself should be "consigned to the helplessness and indolence of the House of Lords," he busied himself with the preparation and vigorous promotion in the House of Commons of two important bills; One for "the Regulation and Inspection of Common Lodging Houses," i. e. houses where individuals, or families, were received by the night; and another to "Encourage the Establishment of Lodging Houses for the Working Classes." While these bills were passing the House of Commons and after he had made his speeches in support of them, his father died. Three weeks later he took his seat in the House of Lords, and on the following day he verified the remarks of some of its members; that he "would rouse them" and "give them something to do," by making a speech on moving the second reading of the bill for the Inspection of Lodging Houses. The Marquis of Lansdowne in supporting the motion, "complimented the noble Earl upon the success of his exertions to ameliorate the condition of the poor and destitute, and expressed the hope that he might pursue in the House of Lords the career he had followed in the House of Commons," When, a few days later, he moved the second bill referred to, his effort was "won-

derfully well received, they cheered during the speech and after it. My surprise knew no bounds. I had warmed Nova Zembla." It was an auspicious beginning. He had not become a fossil by the change nor was it possible to make him one. His philanthropy gave him an indestructable vitality; and his was the unprecedented achievement of carrying important measures through all stages in both Houses of Parliament until they became laws. "It is the best law," Charles Dickens said to him, some years afterwards of the first measure enacted, "that was ever passed by an English Parliament."

He was in the House of Lords more than thirty years, a longer time than he had been in the House of Commons, but to the very end, to his last octogenarian years, his devotion to his chosen work remained unchilled, his benevolent activity unabated, so that his service to the poor and to humanity, as Earl of Shaftesbury, fell not one whit behind what he had rendered, as Lord Ashley. Indeed the one enhanced the other and fittingly consummated its glory.

How Lord Shaftesbury's previous service to England's poor classes in the House of Commons was "consummated" by the service rendered in the House of Lords the following scene given in Hodder's *Life* will show: "It is the House of Lords A noble lord is speaking in a strain not often heard in that assembly upon a subject never discussed there before. . . . For more than thirty years the speaker has been exposing the evils which beset operatives—especially children, young persons and women, engaged in the manufacturing industries. He has carried measure after measure for their relief; inhuman hours of labor have been shortened; excess of physical toil has been abridged; oppression and cruelty, resulting in premature

death, have been checked; and the means of education made possible. Millions in the land thank God for the voice now ringing in that august chamber Rarely, however, has it been raised with greater effect than on this night He is informing the House that the evils which were supposed to be peculiar to manufacturers exist even in a more aggravated form in connection with the cultivation of the soil. A bill to remedy these frightful wrongs is presented, and the speaker closes with this appeal: "My Lords, in attempting to grapple with this evil I hope your Lordships will aid me by your support. In this way you will give the crowning stroke to the various efforts made for many years past to bring all the industrial occupations of the young and the defenceless under the protection of the law; so that whether they are employed in trade, in manufacture or in any handicraft whatever, every child under a certain age may be subjected only to a limited amount of labor and be certain to receive an adequate amount of education. All that remains for your lordships now to do, as representing the land owners of the Kingdom, is to embrace within the scope of your beneficent legislation the whole mass of the agricultural population. Then we shall be able to say that no country upon the earth surpasses us in the care we take of the physical, the moral and the educational well-being of the myriads of our humbler fellow creatures."

This appeal was effective;—"the crowning stroke" was given, and there was swept away from the land the last of the long series of evils which could be dealt with by industrial legislation.

In this service to the poor he continually over-worked and denied himself the benefits of leisure of mind. He often mourned the fact that the number of his philan-

thropic interests and the pressure of the duties which he had assumed in connection with them gave him little time for thought, none for reading. "Oftentimes do I look at a book," he said, "and wish for it, as a donkey for a carrot; and I, like him, am disappointed."

After he had been in the House of Lords more than, fifteen years, the Earl of Derby, then the Prime Minister offered him a place in his Cabinet. In declining it, he said: "I should bring but little aid to your Cabinet: I should withdraw myself from the many and various pursuits which have occupied a very large portion of my life, and which, so far from abatement as I grow older, appear to increase in number and force; there remain yet fourteen hundred thousand women, children and young persons to be brought under the protection of the Factory Acts." His interest, particularly in his Ragged Schools, did not abate. He was a frequent visitor at them, observing their work, talking kindly and sympathetically with their pale, ill-clad, half-starved scholars, and noting with pity the signs of their extreme want.

One winter day, after talking with some of them, overcome with emotion he left the room. To the teacher who followed him out, he said with tears trickling down his face, "Those poor children! They must have some food directly." And going out to his brougham he ordered his coachman to drive home, and shortly returned with two large churns of soup, enough to feed four hundred. "That winter 10,000 basins of soup, with bread, were distributed to hungry children and their parents, the soup being made in his own mansion in Grosvenor Square."

His satisfaction with the work of the Ragged Schools was thus expressed in his 79th year: "If my life should be prolonged for another year, and if during that year the

Ragged School system should fail, I should not die in the course of nature, I should die of a broken heart." Though conscious of waning powers, he persisted in his benevolent labors to the extent of his strength, in the spirit of our poet Longfellow in his old age:

..... "We are not quite
Cut off from labor by the failing light;
Something remains for us to do or dare;
Even the oldest tree some fruit may bear;

For age is opportunity no less
Than youth itself, though in another dress,
And as the evening twilight fades away
The sky is filled with stars invisible by day."

(Morituri Salutamus)

Besides his activity in the House of Lords in promoting legislation for the welfare of women, children and young persons, he distinguished himself there by his efforts to secure larger religious freedom for all the English people. Up to the year 1855, there was a law in England forbidding the teaching of the gospel and the worship of God in private houses, when more than twenty persons besides the family were assembled. It closely resembled the old law by which John Bunyan had been arrested, condemned and imprisoned for twelve years in Bedford jail for being an "upholder of unlawful meetings." Lord Shaftesbury, in May 1855, gave notice of a bill to repeal that law. Though the law was generally regarded as a dead letter, it was capable of being revived and enforced whenever religious intolerance prompted any one to do it. As the "Times" of that day said, "It was a rod in pickle,

an ecclesiastical engine to be called into operation when desired." In fact actual cases had recently occurred which Lord Shaftsbury cited. He appealed to the bishops, "whether it was consistent with their position, or their Christian dignity, to deprive some of the most useful of their own clergy, or of the Non-conformists, of the power of doing their best to evangelize their flocks without breaking the law, or to consent to the present system of wholesale connivance?" To his astonishment, and to the surprise of most of the people of England, the majority of the bishops and "a knot of Puseyite Peers" objected strenuously to the bill. They were "insolent, interruptive, discouraging, while I spoke," Lord Shaftesbury says. Lord Derby moved a substitute, which was but little better than the old existing law, as it provided that "meetings should be held only under the direction of an authorized leader, in accordance with certain forms and in a licensed place." One clause in it, which granted "permission to offer prayer in opening or closing a meeting" was particularly offensive to Lord Shaftesbury. He moved the rejection of the substitute offered with great vigor and eloquence; he said, "The principle (of liberty) involved in the question had gone deep into the heart of the country, and whether his own bill were rejected, or not, it would be found that its principle would be asserted; namely, *"that every man should have a perfect right to worship God when and how he pleased. To worship in his own house, with his neighbors, in any number, and at any time; that this should not be a mere privilege but a right, unless it could be shown that public morality or public safety would be endangered by it.* As to a "permission" to pray: "it may as well be said," he exclaimed, "that I am to have 'permission' to breath the air!" The obnoxious substitute

was withdrawn by its mover, and soon after Lord Shaftesbury again presented his bill, (slightly modified to mollify the bishops), and it was enacted into a law.

During the premiership of Lord Palmerston, Lord Shaftesbury was influential in the appointment of the bishops of the established church, so influential that he was called the "Bishopmaker," and the appointees, "Shaftesbury Bishops." This was due to the fact that Lady Shaftesbury was the daughter of Lady Palmerston, and on this account the greatest intimacy existed between the two men. They deeply loved each other and appreciated each other's worth. "His society was infinitely agreeable to me," says Lord Shaftesbury of the prime minister. This strong mutual attachment was not due, however, to any agreement in their religious ideas and feelings. "He does not know, in theology, Moses from Sidney Smith," Lord Shaftesbury said, "and as for the wants, the feelings, the views, the hopes and fears of the country, (particularly the religious part of it), they are as strange to him as the interior of Japan." All the more on this account, probably, was the prime minister glad to avail himself of the advice of a man eminent for his piety. "From the very first he gave me his confidence," says Lord Shaftesbury, "and I determined to look at every vacancy—from his point of view. He had much solicitude for the honor and efficiency of the episcopal office. He ever sought for good and proper men,—and I was resolved to put forward men who would preach the truth, be active in their dioceses, be acceptable to the working people and not offensive to the Non-conformists. He felt, as I did, the folly, nay, the iniquity of haughty sacerdotal bearing, of vituperative epithets, of clerical despotism towards the body of Dissenters; he saw, too, and resolved, if he could,

to obviate the danger of such ecclesiastical arrogance. He accepted my suggestions on these very grounds and heartily approved them."As the first bishops were of the Evangelical School, the High Church, Tractarian party did not like the appointments thus made. Bishop Wilberforce spoke of them as "Lord Palmerston's wicked appointments, which every sound churchman feels insult the Church." To us, however, the principles of selection seem to have been eminently wise and sensible, and they were justified by the results. Even Dr. Pusey said, that "if all were not such as he could have wished, all at any rate were in the interests of religion." Lord Palmerston's administration was strengthened by them: "They influenced elections, turned votes in the House of Commons and raised around him a strong party in the country." The established church also was benefited by them,—it "gained an immense popularity and strength," which it is beginning to lose from no other cause than "the assumptions," which the prime minister and his adviser were justifiably resolved not to countenance. What they called "ecclesiastical arrogance" has been the bane of the Anglican Church from the Restoration of the House of Stuart until now, hindering her growth and Christian influence, causing her to be hated by at least one half of the people of England, and discrediting her religious teaching. The numerous and growing body of Dissenters do not patiently endure this "arrogance"; it is not in human nature that they should, and they are scarcely to be blamed that they do not. It lies at the bottom of the political dissensions that have agitated England in recent years, and are likely to keep her rocking with fury and strife until the irenic policy of Palmerston and Shaftesbury is more generally adopted by the Anglican Clergy and laity.

The romantic friendship of Palmerston and Shaftesbury reminds us of other friends of the great philanthropist: "There was probably no man," says his biographer; "whose circle of friends and acquaintances was wider than Lord Shaftesbury's, and certainly none whose circle included greater variety in social position, influence and attainment. He was intimate with his fellow Peers, the nobility, the rich, the cultured and the highest in the land, including the Queen and Prince Consort; he was also intimate with the humblest and lowliest of working men. It made no difference to him what a man was in the eye of society or of the world, if he saw in him one who possessed those qualities upon which true friendships alone can rest. He esteemed a man, first, for what he was in himself, and, next, for what he was doing for the world to make it brighter, happier, and holier." And so he cherished a warm regard for Spurgeon, "that blessed servant of God," whose society he found "stimulating and refreshing"; for Sir Moses Montefiore, the Hebrew philanthropist, whose character he greatly admired and by whom he was also admired; for Thomas Wright of Manchester, the visitor of prisons; for Florence Nightingale, the good angel of the sick and wounded in the hospitals of Crimea: for the City missionaries of London and the founders of the various Missions and Ragged Schools of the Metropolis.

To mention in particular one of these founders and Superintendents: George Holland of George Yard Ragged School. Lord Shaftesbury said of him, "I had rather be George than ninety-nine hundredths of the great living and dead. What a servant of our beloved and blessed Lord! He has given all his time, all his talents, all his life to his work; and he is just as fresh, as earnest, and as enthusiastic as he he was twenty years ago. He

seems to live in the full light of God. And did you ever see such a face as his? It it always radiant."

"I could never have done the few things I have," he said, reviewing his life in his last days, "had I not been supported by true, zealous earnest men, who gave me their time and their brains to help forward the different movements." The grateful recognition he gave to the value of their service was one secret of their efficiency. It stimulated them to do their utmost, and so that band of humble supporters, in the factory districts, in the Ragged Schools, and in the various benovolent undertakings in which he was leader, wrought the social and industrial improvements and the great amelioration of society which we associate with his name. "He was the founder of a new order of men," says his biographer, "who inspired by his example and infected by his enthusiasm followed, and still follow, in his foot steps."

We must not omit to mention the important help he received from benevolent people of wealth in the prosecution of his various enterprises for the benefit of the poor. "In the course of his life," his biographer says, "there were many who thought that the greatest good they could do with their money was to place it in the care of Lord Shaftesbury. He always had schemes on hand which needed help. Every one who knew him, knew that as a trustee of money he was scrupulously exact and that not a penny entrusted to him would fail of accomplishing some direct end; that he had special channels for circulating it where it would be most useful. At various periods of his career large sums of money were placed at his disposal for charitable purposes: the last months of his life were much occupied in the disposal of a legacy of £50,000 left him for distribution among charities. In this number of

financial helpers there were good women as well as good men. In his diary we find this entry: "Received yesterday a draft for £1,000 from that dear woman, Miss Portal, to be laid out at my discretion. This makes £3,300 with which this pure hearted, disinterested daughter of Zion has supported my efforts." One of his notable sayings was, "By doing good with his money, a man, as it were, stamps the image of God upon it, and makes it pass current for the merchandise of heaven."

It is interesting to note that a similar experience is that of almost all philanthropists. They usually find among the wealthy, as well as among those that are not wealthy, princely helpers for their benovolent schemes. It was thus with Mr. D. L. Moody and Mr. C. L. Brace and many others whose religious and philanthropic work has been noteworthy in our land. These financial helpers have often preferred that their share in the good work should be hid from public knowledge, and on this account their number is larger than the public has any correct idea of. They are like the seven thousand faithful souls in Israel in the days of Elijah who had not bowed the knee to Baal. They are not Mammon worshippers, but they form a considerable fraction of the rich, and their existence and support can be safely reckoned upon by those inspired of God to undertake good things and labor for their accomplishment. They are not satisfied to have wealth for themselves alone. They want to do good with it; they feel a responsibility to God for its use, and they would have the image of God stamped on it so that it shall pass current for the merchandise of heaven.

We must not forget his friendship for the children, and their love for him, as it was his interest in them that chiefly stimulated his efforts. "In the whole course of

his life he hardly ever passed a ragged child in the street without the desire to stop and speak to it. Morning, noon, and night, the welfare of the uncared for and the unthought of children weighed upon his heart." Most warmly did they reciprocate his regard for them. "May I kiss you?" asked a little girl at a Ragged School gathering; and a little shoe-black, hearing one speak disparagingly of him, indignantly cried out, "Don't you speak against Lord Shaftesbury, sir, if you do, God Almighty will never bless you." The grateful love of the poor, the young and the old, was his rich reward for his devotion to their welfare. "I thank God," he said in his old age, "for the day I was called by His grace to participate in this holy work."

He might have said with Job:

"Because I delivered the poor that cried,
The fatherless also, that had none to help him,
The blessing of him that was ready to perish came
upon me
And I caused the widow's heart to sing for joy.
I put on righteousness and it clothed me:
My justice was as a robe and a diadem."

Nevertheless his life, as his private journal shows, was not entirely a happy one. The notes of sadness uttered there are quite frequent and as noticeable as the notes of joy. He thought himself for a considerable part of his life the "best hated and most unpopular man in England," and, for the reasons that have been given, he had some cause for thinking so. The estrangement of his kindred, the hatred and denunciation of the commercial and landed classes of Great Britain, the dislike of the

clergy of the Established Church, who generally looked coldly upon his work and refused to help him in it because he fraternized with the Dissenters on account of their cordial co-operation in it, the opposition of the government leaders and *laissez faire* theorists of the House of Commons, who accused him of seeking a "Jack Cade Legislation," and the remark of a leading newspaper. "This Lord must expect, if he go about telling every one the plain truth, to become odious,"— these experiences to his sensitive soul, eager to have the approval and good will of all, were quite equal to the afflictions of Job. He keenly realized the aptness of Sir Walter Raleigh's remark, quoted by his famous ancestor, the First Earl of Shaftesbury, and applied to himself as "a politician seeking truth and pursuing it in opposition to power, and amid the hypocrasies, self-seekings, meannesses, and falsehoods of public men: "Whosoever shall follow truth too near the heels, it may haply strike out his teeth?"

But it is to his everlasting honor that he pursued the right through good report and evil report, whatever he might suffer on account of it. Called of God to his work, as he firmly believed, he trusted that God would crown it with success and honor. We may say of him:

"Thine was the prophet's vision, thine
The exultation, the divine
Insanity of noble minds,
That never falters nor abates,
But labors and endures and waits,
Till all that it foresees it finds,
Or what it cannot find creates!"

—(Longfellow's Kéramos)

"Do not attempt," he said to his biographer, "to

represent me as always in the right, or you will inevitably break down in your task." He was conscious of errors in opinion and of mistakes of conduct, and in the honesty of his heart he said, "I should like the reality to be told, be it good or be it bad, and not a sham."

Of course he had faults; no man is without them, and it is better for the trustworthiness of our estimate of him that we frankly own them than discredit it by imitating those blind eulogists of greatness who are so taken with it that they cannot see any faults in its possessor. It was a fault in him that he was so severe in his judgments of those who were not of his way of thinking and opposed, or refused to co-operate with him, in his legislative measures and benevolent undertakings. We can not accept as just his opinions, as disclosed in his Journal, of Peel, Sir James Graham, Gladstone, Bright, Sir John Russell, Bishop Wilberforce and the clergy generally of the Established Church of that day. They were better men than he thought them to be in his moments of vexation and disappointment as these are reflected in that hasty record. He himself in effect contradicted some of these opinions later. When Peel and Bishop Wilberforce met, each, a tragic death by being thrown from his horse, their pathetic fate so touched his heart as to purge from his mind every resentful thought, and its clarified vision with truer perception gave different judgments of them; saying of Peel, "One of the greatest men of this generation"; and of Wilberforce, "He was neither covetous nor hard, and he oftentimes stood forward in defense of the oppressed." This example of self-contradiction suggests the inquiry whether Lord Shaftesbury is to be taken seriously in regard to the severe judgments of men and things expressed in his Journal. "They were written," he says, "on the

spur of the moment—thoughts jotted down as they passed through my mind, and contradicted perhaps on the next page.” Being such and not intended for publication, might they not be regarded as like the unuttered thoughts which pass through our minds concerning people whose acts we disapprove of, but which do not represent our deliberate judgments of them?

Another fault in Lord Shaftesbury was his harsh and intemperate characterization of men and books deemed by him religiously unsound and pernicious. Personally, as we have seen, one of the most devout and earnest Christians of his time, he was naturally jealous of any man or book that seemed hostile to Christian truth. He was unmindful of the fact that zeal for God’s honor and truth may hurry a man into unchristian error, and that this actually happens when with untempered zeal one steps forth as a champion of a creed or of a religious party, and says in defense of them bitter and cruel things of their opponents, whose Christian characters and honesty of purpose may be as real and unquestionable as his own. Into this error he fell, when he characterized Reverend F. D. Maurice as “Neither sound Protestant nor true Papist”; when he declared that he “loathed with the utmost abhorrence” Bishop Colenso’s book on the Pentateuch as “a puerile and ignorant attack on the sacred scriptures”; when he denounced at its first appearance “*Eccle Homo*,” as “a most pestilential book vomited from the mouth of Hell,” a book which now is generally regarded as a valuable and eloquent presentation of the humanity of Christ, and much needed, because of the almost exclusive emphasis placed, in the past, upon his divinity; and when he, expressing the feelings of the Evangelical School, avowed that he “abhorred the prin-

ciples" of Dr. Pusey and his High Church party. He would not take back but tried to justify this offensive declaration, notwithstanding Dr. Pusey's pathetic protest: "You have not grey hairs, nor have you had sorrows like me, and both ought to soften your mind; yet I could wish that without them your language could be a little softened. I often thought it stronger than you meant. You speak of abhorring our principles; are you quite sure that you know them?"

He was prone to such extreme utterances in the heat of repelling what he regarded as attacks upon Evangelical truth. But we believe, with Dr. Pusey, that the language used was "stronger than" Lord Shaftsbury "meant."

Inflexibility of mind was another fault in him. Having once adopted an opinion he was loth to change it. The two notable exceptions to the contrary, his change of opinion and attitude toward Dissenters, and that in regard to the corn laws, prove the irresistible force of good reasons for these changes, as he candidly weighed them. But *rigidity of mind*, an unalterable adherence to the ideas and purposes he had adopted, was characteristic of him. It served a good purpose, as displayed in his persistent, determined Factory legislation and his untiring devotion to the poor. He was "called of God," as specially qualified by this tenacity of purpose for that great work. And the long years given to the conflict confirmed the natural firmness by the strength of habit until at last it became unbending. There were times, however, when this inflexibility was inconvenient and deplorable. It brought him into conflict with good men, and seemed to hinder the progress of truth and the work of God's Kingdom. It made him appear "cantankerous," and produced estrangement between him and former friends, with the

result of social isolation and its accompanying sadness. In respect to the change in religious opinion and current ideas of Scripture truth produced by modern science and Biblical criticism especially, he was brought into antagonism, he says, "even with those who were working with me, oftentimes with men I loved dearly and greatly admired." "According to all human estimate, all human judgment," he says, "I must be wrong, I must be wilful, self-sufficient, ignorant, and stubborn. I should, I suspect, say it of another in a similar position; and why, then, not of myself? *Simply because I cannot.*" We believe, nevertheless, that he could, and that it was absurd for him to say that he could not. He might properly have adjusted himself to the new situation, which the constantly changing views of truth create and every generation must needs face. *The Spirit of God doubtless has something to do with it*, and it is probably good for mankind; it promotes their progress in righteousness, and makes more perfect their understanding of the Gospel.

It was another fault in Lord Shaftesbury, that he intermeddled with too many things. He had "a finger in every pie" presented, (sometimes against his own judgment), because as a religious leader he was urged by others who had not his courage to assail the wrong criticised, but such willingness to censure may go too far. The voice of the censor may be heard so often that it loses its force and arouses dislike of the man and no compensating spirit of reform.

Two things, however, may be said in his vindication; that he represented the christian conscience of England, and that in the many and various protests against public wrongs made by him he simply was manifesting his love of mankind and desire to promote its welfare. True, but

some times these protests were not timely; sometimes they were made against things innocent, and then they were vain.

But these faults and some others that may be alleged against Lord Shaftesbury, are but trifles, when weighed against the great merit of the man. They are like the moats in the sunshine that hardly diminish its brightness. Making all necessary deductions on account of them, his glory remains undimmed. He was one of God's illustrious saints. In view of the far-reaching influence of his work, his singular eminence as a philanthropist, his tender benovolent heart, his brotherly kindness toward all, his love of goodness without regard to the social standing of its possessor, and his ready acceptance of humble tasks, if thereby he could bring smiles to careworn faces, make poor children happy, and win the fallen and the vicious and the criminal back to paths of virtue, and save by timely prevention the "victims of circumstances" from lives of crime. Pity for the wretched was his ruling passion. In his last days he said, "I cannot bear to leave the world with so much misery (unrelieved) in it."

Shortly before his death, Oct. 1, 1885, a letter was received from the Dean of Westminster, proposing for him a resting place in the famous Abbey. Overhearing this proposal read, the dying man whispered: "No, St. Giles, St. Giles," his ancestral home. Therefore, after being borne to a funeral service in the Abbey through immense crowds of rich and poor, that with uncovered heads and badges of sorrow (even the poorest wearing some mourning crape about hat or arm) thronged the streets of London and filled the Abbey during the impressive obsequies, to St. Giles his remains were transported and placed in the village church beside those of his beloved wife.

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